

15 -ാം കേരള നിയമസഭ

2 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത പോദ്യം നം. 2689

02-08-2021 - ൽ മറുപടിയ്ക്ക്

ഹാരിസൺസ് മലയാളം ലിമിറ്റഡിന്റെ ആധാരം

പോദ്യം		ഉത്തരം	
ശ്രീ. തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ		Shri. K. Rajan (റവന്യൂ ഭവനനിർമ്മാണ വകുപ്പ് മന്ത്രി)	
(എ)	<p>ഹാരിസൺസ് മലയാളം ലിമിറ്റഡിന്റെ കൈവശമുള്ള ആധാരം വ്യാജമാണെന്ന് വിജിലൻസ് അന്വേഷണത്തിൽ കണ്ടെത്തിയിട്ടുണ്ടോ; പ്രസ്തുത അന്വേഷണ റിപ്പോർട്ടിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ?</p>	(എ)	<p>വിജിലൻസ് അന്വേഷണത്തിന്റെ ഭാഗമായി ഹാരിസൺസ് മലയാളം ലിമിറ്റഡ് കമ്പനിയുടെ കൈവശമുള്ള 1600/1923 നമ്പർ ഇൻഡെഞ്ചർ പരിശോധിച്ച ഫോറൻസിക് സയൻസ് ലാബിന്റെ (FSL) പരിശോധനാ റിപ്പോർട്ടിൽ ടി രേഖയിൽ ചിലയിടങ്ങളിൽ കാണുന്ന തിരുത്തലുകളും കൂട്ടിച്ചേർക്കലുകളും വ്യത്യസ്തമായ മഷി ഉപയോഗിച്ചുകൊണ്ട് പിൻക്കാലത്ത് നടത്തിയിട്ടുള്ളതാണെന്ന് കണ്ടെത്തിയിരുന്നു. പ്രമാണത്തിൽ കാണുന്ന മുദ്ര സ്റ്റാൻഡേർഡ് സീലിൽ നിന്നുള്ള തന്നെയോ എന്ന് ഉറപ്പിക്കാനാകില്ല എന്നും മുദ്ര പതിപ്പിക്കുമ്പോൾ രേഖയിൽ പൊന്തിനിൽക്കുന്ന രീതിയിൽ ഉണ്ടാകുന്ന അടയാളങ്ങൾ (Embossment) ടി രേഖയിൽ കാണുന്നില്ലായെന്നും പ്രസ്തുത രേഖയുടെ കാലപ്പഴക്കം നിർണ്ണയിക്കാനാകുന്നില്ല എന്നുമുള്ള കണ്ടെത്തലുകളുടെ അടിസ്ഥാനത്തിൽ പ്രസ്തുത രേഖ വ്യാജമാണെന്ന തരത്തിലാണ് Forensic Science Laboratory വിജിലൻസിനു റിപ്പോർട്ട് നൽകിയിരുന്നതെന്നാണ് വിജിലൻസ് റിപ്പോർട്ടിൽ പരാമർശിച്ചിട്ടുള്ളത്. വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ സർക്കാരിൽ സമർപ്പിച്ച റിപ്പോർട്ടിൽ ഹാരിസൺസ് മലയാളം ലിമിറ്റഡിന്റെ കൈവശമുള്ള 1600/1923 നമ്പർ ഇൻഡെഞ്ചർ വ്യാജമാണെന്നുള്ള ആരോപണം തള്ളിക്കളയാനാവില്ല എന്നാണ് റിപ്പോർട്ട് ചെയ്തിരിക്കുന്നത്. പ്രസ്തുത റിപ്പോർട്ടിന്റെ പകർപ്പ് അനുബന്ധം ആയി ഉള്ളടക്കം ചെയ്തിട്ടുണ്ട്.</p>

സെക്ഷൻ ഓഫീസർ



'Corruption, a Crime against Nation'

വിജിലൻസ് ആൻഡ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
തിരുവനന്തപുരം - 33.

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തീയതി 18 ..12..2020.

നമ്പർ. സി8 (വി.സി. 09/2013/എസ്.ഐ.യു-II) 33540/2012.

ഡയറക്ടർ,
വിജിലൻസ് ആൻഡ് ആന്റി കറപ്ഷൻ ബ്യൂറോ.

അഡീഷണൽ ചീഫ് സെക്രട്ടറി,
വിജിലൻസ് വകുപ്പ്,
കേരള സർക്കാർ,
തിരുവനന്തപുരം.



സർ,

വിഷയം:- വി.സി. 09/2013/എസ്.ഐ.യു-II - വിജിലൻസ് കേസ് - വസ്തുതാ റിപ്പോർട്ട് അയയ്ക്കുന്നത് സംബന്ധിച്ച്.

സൂചന:- 22/02/2020-ലെ വിജി-ഇ2/94/2017/വിജി-പാർട്ട് (I) നമ്പർ കത്ത്.

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സൂചനയിലേയ്ക്ക് സാദരം ശ്രദ്ധ ക്ഷണിക്കുന്നു.

ഹാരിസൺ മലയാളം ലിമിറ്റഡിന്റെ കീഴിലുള്ള വിവിധ എസ്റ്റേറ്റുകളുടെ സർവ്വെ റിക്കാർഡുകളിൽ ക്രമക്കേട് കാണിച്ചതായുള്ള വിഷയത്തിൽ നടന്ന വിജിലൻസ് കേസിന്റെ അന്വേഷണം പൂർത്തിയാക്കി വസ്തുതാ റിപ്പോർട്ട് തിരുവനന്തപുരം സ്പെഷ്യൽ ഇൻവെസ്റ്റിഗേഷൻ യൂണിറ്റ് - II, പോലീസ് സൂപ്രണ്ട് സമർപ്പിച്ചിരിക്കുന്നു.

ആരോപണങ്ങളും കണ്ടെത്തലുകളും വസ്തുതാ റിപ്പോർട്ടിൽ വിശദമാക്കിയിരിക്കുന്നു.

കുറ്റാരോപിതർ.

A-1: ശ്രീ. വിനയരാഘവൻ,
പ്രസിഡന്റ്,
ഹാരിസൺ മലയാളം ലിമിറ്റഡ്.

A-2 ശ്രീ. എൻ. ധർമ്മരാജ്,
എക്സിക്യൂട്ടീവ് ഡയറക്ടർ,
ഹാരിസൺ മലയാളം ലിമിറ്റഡ്.

A-3 ശ്രീ. എൻ. വേണുഗോപാൽ,
വൈസ് പ്രസിഡന്റ്,
ഹാരിസൺ മലയാളം ലിമിറ്റഡ്.

- A-4 ശ്രീ. രവി ആനന്ദ്,
കമ്പനി സെക്രട്ടറി,
ഹാരിസൺ മലയാളം ലിമിറ്റഡ്.
- A-5 ശ്രീമതി. റ്റി.ജെ. മറിയം,
മുൻ സബ് രജിസ്ട്രാർ, പുനലൂർ.
- A-6 ശ്രീ. പി.എസ്. ശ്രീകുമാർ,
മുൻ സബ് രജിസ്ട്രാർ, പീരുമേട്.
- A-7 ശ്രീ. ജി. വിജയകുമാർ,
മുൻ സബ് രജിസ്ട്രാർ, പുനലൂർ.
- A-8 ശ്രീ. എൻ.വി. ഗോപിനാഥൻ നായർ,
മുൻ സബ് രജിസ്ട്രാർ, എരുമേലി.

ശ്രീ. വിനയരാഘവൻ (A-1), ശ്രീ. എൻ. ധർമ്മരാജ് (A-2), ശ്രീ. എൻ. വേണു ഗോപാൽ (A-3) ശ്രീ. രവി ആനന്ദ് (A-4), എന്നിവർ ശ്രീമതി. റ്റി.ജെ. മറിയം (A-5), ശ്രീ. പി.എസ്. ശ്രീകുമാർ (A-6), ശ്രീ. ജി. വിജയകുമാർ (A-7), ശ്രീ. എൻ.വി. ഗോപിനാഥൻ നായർ (A-8) എന്നിവരുമായി ശുദ്ധാലോചന നടത്തി ആധാരം നമ്പർ 1600/1923-ൽ ക്രമക്കേട് കാണിച്ച് നാല് പട്ടയങ്ങളുടെ വിൽപ്പന രജിസ്റ്റർ ചെയ്തതാണ് കേസിലെ ആരോപണം.

കേസുമായി ബന്ധപ്പെട്ട് അന്വേഷണ ഉദ്യോഗസ്ഥൻ 1600/1923 എന്ന ഡോക്യുമെന്റുമായി ബന്ധപ്പെട്ട 500 സർവ്വെ നമ്പരിലുള്ള ഭൂമി സെറ്റിൽമെന്റ് രജിസ്റ്ററുമായി ഒത്തുനോക്കുകയും 254 എണ്ണം 1600/1923 എന്ന ആധാരവുമായി Talley ആകുന്നതായി കണ്ടെത്തിയിട്ടുണ്ട്. കൂടാതെ 40-ഓളം വില്ലേജ് ഓഫീസർമാരെ ഈ വിഷയവുമായി ബന്ധപ്പെട്ട് വിവരങ്ങൾ ശേഖരിച്ചിട്ടുണ്ട്. 246 ഓളം സർവ്വെ നമ്പരുകളിൽ ഉൾപ്പെട്ട ഭൂമിയുടെ തണ്ടപ്പേർ രജിസ്റ്റർ പരിശോധിച്ചപ്പോൾ അവ ഹാരിസൺ മലയാളം കമ്പനിയുടേതാണെന്നും കണ്ടെത്തിയിട്ടുണ്ട്. പക്ഷേ ഈ വിഷയത്തിൽ ഹൈക്കോടതിയുടെയും സുപ്രീംകോടതിയുടെയും ഉത്തരവുകളുടെ അടിസ്ഥാനത്തിൽ 1600/1923 എന്ന ആധാരത്തിൽ ഉൾപ്പെട്ട ഭൂമിയുടെ യഥാർത്ഥ ഉടമ ആരെന്നുള്ളത് ഒരു സിവിൽ കോടതി നടപടിയിലൂടെ സ്ഥാപിക്കപ്പെടേണ്ടതുണ്ട്. അത്തരത്തിൽ യഥാർത്ഥ ഉടമസ്ഥാവകാശം സക്കാരിന് സ്ഥാപിച്ചുകിട്ടിയാൽ മാത്രമേ ഈ കേസിൽ PC ആക്ട് പ്രകാരമുള്ള നിയമലംഘനം നടന്നിട്ടുണ്ടോ എന്ന് കണ്ടെത്തുവാൻ സാധിക്കുകയുള്ളൂ. ആയതിനാൽ അന്വേഷണ ഉദ്യോഗസ്ഥൻ ഈ വിഷയത്തിൽ തുടർ നടപടികൾ അവസാനിപ്പിക്കുന്നതാണ് ഉചിതം

എന്ന് ശിപാർശ ചെയ്തിട്ടുണ്ട്. ഈ വിഷയത്തിൽ വിജിലൻസ് അഡീഷണൽ ഡയറക്ടർ ഓഫ് പ്രോസിക്യൂഷന്റെ അഭിപ്രായം തേടിയിട്ടുണ്ട്.

ഈ കേസുമായി ബന്ധപ്പെട്ട് തർക്കവിഷയത്തിലുള്ള ഭൂമി ഗവൺമെന്റിന്റേതാണോ അതോ സ്വകാര്യ ഭൂമിയാണോ എന്ന് സിവിൽ കോടതിയിൽ കേസ് നടക്കുന്നതിനാൽ അഴിമതി നിരോധന നിയമപ്രകാരം കേസ് അന്വേഷിക്കുവാൻ സാധിക്കില്ല എന്നും ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെ ഡിവിഷൻ ബഞ്ചിന്റെ WP(c) 33122/2014(M) എന്ന പെറ്റീഷന്മേലുള്ള വിധിയുടെ അടിസ്ഥാനത്തിൽ വി.സി. 09/2013/എസ്.ഐ.യു-II കേസിലെ തുടർ നടപടികൾ അവസാനിപ്പിക്കുവാൻ അഡീഷണൽ ഡയറക്ടർ ഓഫ് പ്രോസിക്യൂഷൻ അഭിപ്രായപ്പെട്ടിട്ടുണ്ട്. ഈ ശിപാർശയുടെ അടിസ്ഥാനത്തിൽ തുടർ നടപടികൾ അവസാനിപ്പിക്കാമെന്ന് പോലീസ് സൂപ്രണ്ടും അഭിപ്രായപ്പെട്ടിരിക്കുന്നു.

വസ്തുതാ റിപ്പോർട്ടും അനുബന്ധരേഖകളും സൂക്ഷ്മപരിശോധന നടത്തി. അന്വേഷണ ഉദ്യോഗസ്ഥൻ, പോലീസ് സൂപ്രണ്ട്, അഡീഷണൽ ഡയറക്ടർ ഓഫ് പ്രോസിക്യൂഷൻ എന്നിവരുടെ അഭിപ്രായത്തോട് യോജിച്ചുകൊണ്ട്. വി.സി. 09/2013/എസ്.ഐ.യു-II കേസിൽ തുടർ നടപടികൾ ശിപാർശ ചെയ്യുന്നില്ല. കേസിന്റെ അന്തിമ റിപ്പോർട്ട് കോടതി മുൻപാകെ സമർപ്പിക്കുന്നതിന് പോലീസ് സൂപ്രണ്ടിന് നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.

വസ്തുതാ റിപ്പോർട്ട്, പോലീസ് സൂപ്രണ്ടിന്റെ ഫോർവേഡിംഗ് എൻഡോഴ്സ്മെന്റ്, അഡീഷണൽ ഡയറക്ടർ ഓഫ് പ്രോസിക്യൂഷന്റെ അഭിപ്രായം ഇതോടൊപ്പം അയയ്ക്കുന്നു. ദയവായി കൈപ്പറ്റിയ വിവരം അറിയിക്കുക.

വിശ്വസ്തയോടെ,

ഹരി ശങ്കർ ഐ.പി.എസ്.
പോലീസ് സൂപ്രണ്ട് (ഇൻ്റലിജൻസ്)
ഡയറക്ടർക്കുവേണ്ടി



'CORRUPTION, A CRIME AGAINST NATION'

OFFICE OF THE SUPDT. OF POLICE

Vigilance & Anti-Corruption Bureau

Special Investigation Unit-II

Kunjalumoodu, Thiruvananthapuram

Dated : 03.12.2020

No.VC 09/2013/SIU-II

From

K.E. Baiju

Superintendent of Police (I/C)

To

The Director

Vigilance & Anti-Corruption Bureau

Thiruvananthapuram

Sir,

Sub:-Allegation of Discrepancies and manipulations in the Survey Records & various estates of M/s Harrison Malayalam Ltd.- Vigilance Case – Revised Factual Report - submitting of – reg.

Ref:-1.Gov.Lr. No. 771/E2/13/Vig. Dated 19.01.2013 of the Principal Secretary to Govt., Vigilance (E) Department

2.No.E15 (VE 01/2013/SIU-II)2357/2013 dated 13.02.2013 of the Director, VACB, Thiruvananthapuram

3. No.E 15 (VE 01/2013/SIU-II) 2357/13 dated 25.10.2013

4. Lr. No.C8(VC 09/2013/SIU-2)33540/2012 dated 25.01.2020 of the Director, VACB.

Kind attention is invited to the subject and reference cited above.

The Revised Factual Report in the above VC and its enclosures received from Shri.K.V.Maheshdas, Deputy Supdt. of Police with my Forwarding Endorsement are submitting herewith for kind perusal and further necessary action.

Yours faithfully

K.E. Baiju

CONFIDENTIAL

OFFICE OF THE SUPDT. OF POLICE
Vigilance & Anti-Corruption Bureau
Special Investigation Unit-II
Kunchalumoodu, Thiruvananthapuram
Dated : 03.12.2020

No.VC 09/2013/SIU-II

FORWARDING ENDORSEMENT

Sub:-Allegation of Discrepancies and manipulations in the Survey Records & various estates of M/s Harrison Malayalam Ltd.- Vigilance Case - Revised Factual Report - submitting of - reg.

Ref:-1.Gov.Lr. No. 771/E2/13/Vig. Dated 19.01.2013 of the Principal Secretary to Govt., Vigilance (E) Department

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3. No.E 15 (VE 01/2013/SIU-II) 2357/13 dated 25.10.2013

INTRODUCTION

A Vigilance Enquiry was conducted by Shri.Nandhanan Pillai, the then Deputy Supdt. of Police of this Unit as ordered by the Government vide reference cited First. The Government ordered the Vigilance Enquiry on the basis of a request from Smt.Suseela Bhatt, Special Government Pleader (Revenue), Advocate General's Office, Ernakulam. The subject for Vigilance Enquiry was that of forgery in English indenture document No.1600/1923 and subsequent creation of four sale deeds on the basis of Doc.No. 1600/1923 of SRO, Kollam. The Enquiry Officer submitted his enquiry report with a recommendation to register a Vigilance Case. The Director, VACB accorded sanction to register the case vide 3rd reference cited. Accordingly, this case was registered by Shri.V.Syamkumar, the then DySP as VC 09/2013/SIU-II u/s 13(1)(d) r/w 13(2) of Prevention of Corruption Act 1988 and Sec.406,409,468,471 and 120 (B) IPC on

01.11.2013. He was conducted Preliminary investigation of this case and it was completed by Shri.K.V.Maheshdas, DySP. He has submitted his factual report along with the legal opinion furnished by the Legal Advisor.

On 28.11.2019, the factual report was submitted along with the forwarding endorsement. After scrutiny, the Director has opined to conduct further probe regarding the landed property mentioned in the survey number in the indenture document. Hence the IO has conducted further investigation with the help of experts at the Central Achieves and Survey Directorate. As part of the investigation the survey numbers of the land was compared with that of settlement register maintained at the Offices. After completing the investigation the IO has submitted his revised factual report along with the legal opinion of Additional Director of Prosecution.

PARTICULARS OF THE ACCUSED

- A1. Shri.Vinaya Raghavan, Aged 58
S/o Dr.E.R. Menon,
12 F, DD Bhavan, Vidhya Nagar
Kadavanthara-682020
(Working as President of Harrison Malayalam Ltd.)
- A2. Shri.N.Dharmaraj, Age 61
S/o S.N. Nath
Mangavayal
Puthur Vayal Post
Kalpatta, Wayanad
(Executive Director, Harrison Malayalam Ltd.)
- A3. Shri.V.Venugopal, Age 57
S/o G.Velayudhan Nair
C2/89, Sreelekshmi,
Indira Nagar, Kadavanthara
Ernakulam
(Vice President (Legal), Harrison Malayalam Ltd.)

- A4. Shri.Ravi Anand, Age 50,
S/o C.A. Padmanabhan
256 C, Sivam, Kallara Road,
Eroor P.O, Thripunithura
Kochi -682306,
(Company Secretary, Harrisons Malayalam Ltd.)
- A5. Smt.T.J.Mariyam, Age 82
W/o K.P. Daniel
Kudamathadathil House, Pazhavangadi P.O
Ranni, Pathanamthitta
(Former Sub Registrar, Punalur)
- A6. Shri.P.S. Sreekumar, Age 61
S/o Sankaranarayana Pillai
Chandrakantham
Apartment-G C
Skyline Orchid-1, Aiswarya Lane
Muttambalam P.O, Kottayam-4
(Former Sub Registrar, Peerumedu)
- A7. Shri.G.Vijayakumar, Age 51
S/o Gopinathan Nair
Vijaya Bhavan
Alayaman P.O, Anchal
(Formerly Sub Registrar, Punalur)
- A8. Shri.N.V.Gopinathan Nair, Age 62
S/o K.P.Gopala Pillai
Nelliparambil, Kanjiram P.O
Kottayam
(Former Sub Registrar, Erumeli)

ALLEGATIONS

That A1 to A4 being the President, Executive Director, Vice President (Legal) and Company secretary of M/s Harisons, Malayalam Ltd. Bristow Road, Willingdon Island, Cochin-682003 respectively conspired with the A5 to A8 who were former Sub Registrars of Mattanchery on 08.03.1985, Peerumadu on 31.03.2004, Punalur on 24.06.2005 and Erumeli on 02.08.05 respectively and in furtherance

of that conspiracy, A5 to A8 abused their official position, executed four sale deeds without mentioning the nature and authenticity of the indenture document Nos.1600/1923 which is especially in English language.

EVIDENCE

The Investigating Officer has questioned 26 witnesses, eight accused and seized/collected 38 documents during the course of investigation. He also questioned all the eight accused and recorded their statements.

Smt.Susheela.R. Bhatt was Special Government Pleader for Revenue in the High Court of Kerala during the period 2011 to 2016. On arising strong suspicion on the document No.1600/1923 which was in English and the Litho map produced by M/s.Harrison Malayalam Plantation Ltd., Smt. Susheela.R. Bhatt requested to the Principal Secretary to the Government, Revenue Department to conduct a detailed enquiry. In turn a Vigilance Enquiry was ordered as stated in the preceding paragraph. Though the Vigilance Enquiry Report pointed out several discrepancies, the FIR registered on account of allegation of forgery in this indenture document No.1600/1923 and the subsequent four sale deeds registered on the basis of the forged indenture document.

During the course of investigation a notice u/s.91 Cr.PC was issued to the A1 to produce the original document having number 1600/1923 pertaining to the properties belongs to M/s.Harrison Malayalam Ltd. The A1 approached the Hon'ble High Court against the said notice. The Hon'ble Court directed the A1 to handover the documents to the Registrar General of the High court. Further the Court ordered that "it is open to the respondents (ie. The I.O) to approach the Registrar General and take custody of the original

document for the purpose of verification and investigation and to have it returned in the due course". Thus on 18.02.2015, the document was seized on an inventory and produced before the Enquiry Commissioner and Special Judge, Thiruvananthapuram. Further, the I.O. has collected connected register in Volume 10 Book No.1 Kollam 1098 ME, Thump Impression Register of 18.06.1098 ME to 07.09.1998 ME which contained documents No.1319 to 1934 from the Sub Registrar, Kollam for subjecting the alleged forged indenture document No.1600/1923 for scientific examination at the FSL.

Since the registers seized from the S.R.O, Kollam were in a dilapidated condition and unable to conduct a fruitful verification, the I.O. has filed a report before the Enquiry Commissioner and Special Judge, Thiruvananthapuram to issue a direction to the Archives Director and the Inspector General, Registration to preserve the document by using scientific methods. As a result the entire records were preserved scientifically and handed over to the I.O. for further examination.

The questioned indenture documents No.1600/1923 was examined at the FSL by Smt.Aparna, Assistant Director (Documents). According to the FSL examination, report it was revealed that certain writings in the indenture documents are subsequent addition, insertion and or alteration by over writing using an ink different from that of the neighboring entries and that must have been written not in a continuous process. The seal impression on the document cannot be conclusively say as that of the impression of standard seal. The expert had also stated that the age of the document cannot be ascertained scientifically and there is no characteristics of embossment on the document.

Since the FSL report is suggestive of forgery, the I.O. has utilized the service of other experts such as experienced document writer contemporary to the period in which the indenture document was executed, a retired Deputy Inspector General (Registration) and a retired Deputy Secretary, Revenue Department, Government Secretariat. The indenture document No.1600/1923 was got examined by them. On examination it was revealed that the seal inscribed on the top of the first page is a diamond shape engravement reads as "Rupees 46340 and its top and bottom it is written in English and Malayalam that "Travancore Government". According to their opinion the existing practice of that period was that if the stamp value is exceeding to a certain amount, the exact amount is engraved in the front page of the document since there was no stamp paper system as used in the present period. The seal impression on the bottom left side is belongs to Central Stamp Depot, Trivandurm which shows that the document was prepared in Malayalam era 22.07.1098 and the amount of Rs.46,340/- was engraved at the Central Stamp Depot. As per the document (behind the 1st page) it is understood that the document was produced for registration at the Kollam Sub Registrar office on 28th Kumbam 1098 ME at 2.15 hrs by Attorney John Macy who authorized for Malayalam Rubber and Plantation Company. Below this lines the SRO Kollam certified that he personally known this John Macy and signed with date. The overwriting as opined by the FSL expert in the document are figure writing which denotes the survey numbers of the land and all the remaining portion writing is in English.

As per Rule 12 of Travancore Regulation 1087 (1911) that "if any document duly presented for registration be not in Malayalam or Tamil, the registering officer shall refuse to register the document unless it accompanied by a true translation into Malayalam or Tamil

and also by a true copy of the original document". Hence the I.O conducted further clarification with the SRO, Kollam. It has revealed that a certified copy of the indenture document 1600/1923 in Malayalam was issued by Shri.P.V. Padmanabhan, SRO Kollam on 18.10.1973 and it was prepared and examined by one Subair, the then clerk compared by one Sreelekshmi, the then Clerk. The English certified copy of English was issued by Shri.P.Ramakrishna Pillai, SRO Kollam on 29.02.1980 and it was prepared and examined by one Shri.Leelamony, the then Clerk and compared by one Lekshmikutty, the then clerk. From this fact it was revealed that the SRO Kollam had received the said copy of the document at the time of registration. The IO has compared the original indenture document with the certified copies and it was revealed that the insertion and addition found in the original document were also in the copies. From this, it was revealed that the insertion were made at the time of the registration after the preparation of the documents on getting further clarification on the survey number of the land. Hence the inference drawn by the I.O. after examination of witnesses and documents that the document is seen written in English language and the figure writing with respect to the survey number of the land inserted at the time of the registration after getting assurance from the SRO, Kollam. Since the insertion of the figure writing are also seen in the certified copies of the original indenture document, the allegation of forgery is not true to the facts. Moreover, the A1 to A4 were the current employees of M/s.Harrison Malayalam Ltd. The indenture document No.1600/1923 prepared in the year 1923 and they could not create any kind of forgery in the documents during that period to get any undue advantage. It is revealed that the Special Government Pleader suspected the indenture document since it was in English and the measurement unit of hector used in the Litho Map. The Vigilance

Enquiry report also supported the version of the Pleader. But the investigation has fortified that though the hector unit was approved in measurement in India only in 1966 it was used long before in the British Imperial System as unit of measurement.

The investigation has revealed that four sale deeds were executed such as Ambanad Document No.1008/1985 executed by the A5 Smt.T.J.Mariyam while she was working as SRO Mattancherry, Cheruvally Estate. Document No.2329/2005 by the A8 Shri.S.M.Gopinathan Nair while he was working as SRO Erumeli, Riya Estate document 2840/2005 by the A7 Shri.G.Vijayakumar and Boyce & Peruvanthanam Estate Documents No.1150/2004 by the A6 Shri.Sreekumar while working as SRO Peerumedu. The allegation against the A5 to A8 was they had executed the document on the basis of bogus Power of Attorney without verifying the authenticity of the indenture document. The investigation has revealed that the power of attorney was only for attesting the power of agent on behalf of Pangattu Kochu Krishna Menon S/o M.Krishna Menon for Harrisons Malayalam Ltd., residing at Kilkelly by Special Power of Attorney dated 23.02.1985 attested by Sub Registrar, Mattancherry as No.10/1985 dated 23.02.1985 to authorize his agent Shri.T.K.V Nair, S/o.P.V.Gopala Pillai residing at Courier Station Road. The registering authority is bound to register document presented for registration on being satisfied of the compliance of the provisions of the Registration Act and with the necessary remittance of fee in this regard. It is not within the purview of a Registrar to verify all the prior deeds and the ownership rights of the seller, when document is presented for registration. The investigation has revealed that Shri.T.K.V. Nair was company Chartered Accountant and P.K. Menon was the Chief Executive of M/s.Harrison Malayalam Ltd. during the year 1984-85.

It was also revealed that Shri.T.K.V. Nair expired on 06.04.1991 at Cosmopolitan Hospital, Thiruvananthapuram.

Moreover, the Kerala High Court (2002(1) KLT 330 Eshaque V Sub Registrar has cleared this point and quoted that "in our view, if a document otherwise complying with the statutory requirements and formalities presented for registration, the registering authority is bound to register it. It is not for the Registering Authority to conduct enquiry and ascertain the title to its own satisfaction. Under the provisions of the T.P. Act 1888, if the transferor does not have any title or has an imperfect title to the property, the transferee on transfer will either get no title or he will get an imperfect title. This will be to the prejudice of the transferee and is not of any concern to the Registering authority". Hence it is revealed that A5 to A8 has no other way except the registration of deeds on request of the officials (A1 to A4) of M/s.Harrison Malayalam Ltd.

Smt. Susheela R.Bhatt, special Government Pleader had suspicion regarding the transfer of estates belongs to M/S.Harrisons Malayalam Ltd. on the basis of indenture document No.1600/1993 because as per the provision of the Land Reforms Act 1963, a foreign company is not entitled to file a ceiling return claiming holding and possessing properties in Kerala. Also by violating the KLR Act the foreign company by name 'Malayalam Plantations Ltd (UK) filed a ceiling return before the Secretary, Land Board on 04.04.1972. The Vigilance Enquiry has also pointed out that the FERA came into force in India in 1973 and as per the provisions of FERA, a foreign company is not entitled to acquire and hold any property in India.

The investigation has revealed that the land possessed by the Malayalam Plantation Company, which was registered in London during 1921 was transferred to the Indian Company named Malayalam Plantation India Ltd. as per the indenture document

No.1600/1923. Thereafter in 1984, this Malayalam Plantation Limited was amalgamated with Harrisons and Cross fields India Ltd and the name of the company was changed as M/s Harrison Malayalam Ltd. The Vigilance Enquiry report stated that the document No.1600/1923 is seen written in a paper having emblem and watermark in the name of John Dickinson Company" and it is suspected that the document was forged in England. But in contrary to this, the investigation has revealed that the paper used for preparing the document No. 1600/1923 belongs to the John Dickinson Company and as per Travancore Regulation No.VIII of 1096 the John Dickinson Company had permitted to do business in Travancore as well in India by Income Tax Department.

The Government of Kerala appointed Shri.M.G.Rajamanikom IAS as Special Officer & Collector vide GO.(Ms.) 161/2013/RD dated 25.04.2013 by virtue of powers laid down in Kerala Land Conservancy Act, 1957. The Special Officer is empowered to evict the unauthorized person from the Government land by exercising the powers conferred in the section 15 of the Kerala Land Conservancy Act. According to the Special Officer though M/s Harrison Malayalam Ltd possessing the land by virtue of indenture document No.1600/1923, all the land explained in the document belongs to the Govt. which acquired by the company from the Govt. on lease for the purpose of Plantation. To support his theory, he has explained the Land Laws such as Land Reforms Act before and after Indian independence, FERA Act 1947 and 1973, Indian Independence Act 1947, the Companies Act before and after 1956. Right Acquisition Act 1955 and the Land Revenue Manual. After hearing the parties including M/s Harrisons Malayalam Ltd., the Special Officer issued proceedings by declaring the land possessed by M/s Harrison Malayalam Ltd. in the district of Kollam,

Pathanamthitta, Idukki and Kottayam as Govt. Land and it is to be taken over by the Government.

Aggrieved by this, M/s Harrison Malayalam Ltd filed a Writ Petition as WP(C) No.33122 of 2014 (m) before the Hon'ble High Court of Kerala. The Hon'ble Division Bench of the High Court heard the Writ Petition along with other Writ Petitions and pronounced a common judgment on 11.04.2018 and set aside the order of the Special Officer. The Division Bench observed that title cannot be adjudicated under the KLC Act, intended only an eviction of unauthorized occupation. Title, to establish it or to controvert it, has to be adjudicated before a Civil Court. Title, we reiterate, in this context, we have not found on the petitioners, which we are incompetent to do in the present proceedings. Title has to be found after adducing evidence in a properly initiated civil proceedings at the State ventures so, to institute. There is no cause for the petitioners to approach the civil Court to establish title under section 20 of the KLC Act. From the Judgement it has revealed that the Hon'ble High Court never raised any doubt over the indenture document No.1600/1923 during the proceedings. Moreover, the investigation has revealed that it was registered at the SRO, Kollam by observing the existing procedure established vide Travancore Regulation 1087 (1911). The true copy of the indenture document in English along with Malayalam copy were kept at the SRO, Kollam in the year 1923 while registering the Indenture document 1600/1923.

The Govt. of Kerala has filed a Special Leave Petition against the Judgement of the Kerala high Court Division Bench as 24028-24035/2018 before the Hon'ble Supreme Court. The Hon'ble Supreme Court upheld the High Court order and dismissed the Special Leave Petition. Hence the investigation has categorically proved that this Vigilance Case (VC 09/2013/SIU-II) cannot be concluded since the

ownership of the land is a subject matter of the Civil Court. Also the allegation of forgery in the indenture document No.1600/1923 cannot be ruled out. Though the Vigilance Enquiry report had pointed out many other irregularities, the Investigating officer conducted a thorough analysis by adducing documentary as well as oral evidence to unearth the true facts.

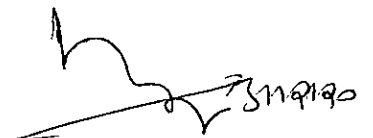
During the investigation, the IO has compared more than 500 survey numbers of land with the settlement register. It has revealed that 254 survey numbers of the land mentioned in the questioned indenture document 1600/1923 are tallied with the settlement register. As per the settlement register, the landed property mentioned among these 254 survey numbers, 11 survey numbers belong to East India Company, 144 survey numbers denotes private property, 28 survey numbers represents Government land and 70 numbers denotes the land assigned from the Government property to the private persons. The remaining 246 survey numbers were checked with the TPR (Thanda Per Register) maintained at the concerned Village Offices. Around 40 Village Officers were contacted through online and verified the data. The ownership of the land mentioned in the 246 survey numbers belongs to the Malayalam Plantation which currently possessed by the Harison Malayalam Company (Pvt.) Limited. Hence the IO has suggested that in view of High Court as well as Supreme Court Judgement the ownership of the land mentioned in the indenture document has to be ascertained first to proceed with the investigation. Absolute ownership of the property to the Government has to be established by the competent Civil Court at first in order to probe the offences if any under the PC Act. Hence he has concluded the investigation to file final report to drop further action since no evidence could be collected in this case.

The Investigating Officer prepared revised factual report and recommended that this case has to be treated as Further Action Dropped in view of the materials collected during the investigation. In addition to that he has discussed the judgement of the Division bench of the Hon'ble High Court of Kerala and the Supreme court of India. He has forwarded the revised factual report to the Additional Director of Prosecution and obtained the legal opinion.

The Additional Director of Prosecution, VACB has opined that the question of ownership of the land is under consideration of the Civil Court, it is premature to conclude that the offences under Prevention of Corruption Act 1988 is attracted. The Additional Director of Prosecution has opined that this case has to be final reported as opined by the Investigating officer.

RECOMMENDATION

I have perused the factual report along with the documents seized in this case. The questioned indenture document in English having number 1600/1923 was also perused along with the FSL report and connected witnesses statements. The investigation has proved that the accused A1 to A8 have not committed any offence under Sec.13(1) (d) r/w 13 (2) of Pc Act 1988 & Sec.406, 409, 468, 471 and 120 B IPC as stated in the FIR. Hence, I also agree with the findings of the IO and recommended that sanction may be accorded to file final report before the Hon'ble Enquiry Commissioner & Special Judge (Vigilance) Court, Thiruvananthapuram to treat this case as "Further Action Dropped".



K.E. Baiju
Superintendent of Police (I/C)
Vigilance & Anti- Corruption Bureau
Special Investigation Unit-II
Thiruvananthapuram

OPINION DTD. 02.12.2020 OF THE ADDL.DIRECTOR OF
PROSECUTION (VIG) IN THE REFERENCE No.
VC 09/2013/SIU-II

Discussed with the Deputy Superintendent of Police, Sri. K.V Mahesh Das. Since the question, whether the disputed land is Government land or private, is under consideration of the Civil Court, it is premature to conclude that the offences U/s PC Act is attracted. Hence, at this stage no investigation can be continued with. Any further action will be dependent on the Judgment of the Civil Court in the pending Civil Case. My view is based on the Division Bench Judgment of the Hon'ble High Court of Kerala (Exhibit- AL) in the Factual Report. This is a fit case for treating as "Further Action Dropped (FAD)".

Jsc
02/12/2020

K.D.BABU
Addl. Director of Prosecution (Vig)

IGP

REVISED FACTUAL REPORT

VC 9/2013/SIU-II

Sub: - Allegations of Discrepancies and manipulations in Document No.1600/1923 of Harrisons Malayalam Pvt. Ltd – Revised Factual Report – submitting - Reg.

- Ref: -** 1. Govt. Lr. No.771/E2/13/Vig. Dated. 19.01.2013 of the Principal Secretary to Govt., Vigilance (E) Department.
2. No. E15(VE.1/13/SIU-II)/2357/13 dated. 13.02.2013 of the Director, VACB, Thiruvananthapuram.
3. No. E15 (VE.1/13/SIU-II)/2357/13 dtd. 25.10.2013 of the Director, VACB, Thiruvananthapuram.

PARA – I INTRODUCTION

On the basis of the fax message dated 07.01.2013 in O.P.(C) No.3508/2011/B2 of Smt. Susheela. R. Bhatt, Special Government Pleader (Revenue), Advocate General's Office, Ernakulam addressed to the Principal Secretary to Government, Revenue Department, Govt. Secretariat, Thiruvananthapuram requesting a detailed enquiry regarding the authenticity of litho maps in respect of the survey maps, Settlement Registers as depicted in the Document No.1600/1923 containing 25,630 Acres of land, the Principal Secretary, Vigilance (E)forwarded the same to the Director, Vigilance & Anti-Corruption Bureau, vide reference 1st cited, to conduct a Vigilance Enquiry.

The Director, VACB in turn forwarded the same to the Superintendent of Police, Vigilance & Anti-Corruption Bureau, Special Investigation Unit – II, Thiruvananthapuram, vide reference 2nd cited. Accordingly Sri. Nandhanan Pillai, Deputy Superintendent of Police, Special Investigation Unit – II, Thiruvananthapuram was entrusted to the enquiry. As such Sri. Nandhanan Pillai conducted enquiry and he submitted the Enquiry Report.

In his report, a vigilance case was recommended against the Suspect Officers 1 to 8 for creating a forged Indenture in respect of Doc. No. 1600/1923

of SRO, Kollam, producing the same as genuine by executing four sale deeds without proper authority, quoting a bogus Power of Attorney in the name of T. K. V. Nair as per Doc. No. 10/85 (SRO, Mattancherry) and forging the forged document by adding more survey numbers. The SOs 5 to 8 in their capacity as Sub Registrars had executed the sale deeds on the basis of the forged document without proper verification of the prior documents, extent and survey numbers.

The Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram vide reference 3rd cited have accorded sanction to register a case u/s.13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 and Sec.406, 409, 468, 471 and 120 (B) IPC. The case was registered by Sri.Syamkumar, Deputy Superintendent of Police, SIU-II, VACB on 01.11.2013 and he conducted an investigation of the case. Subsequent to the transfer of Sri. Syamkumar, I have taken over the charge and continued investigation of this case and prepared the Factual Report.

PARA – II PARTICULARS OF ACCUSED (LISTED ORIGINALLY)

- A1. Sri. Vinaya Raghavan, Aged 63, S/o Dr. E.R. Menon, 12 F, DD Bhavan, Vidhya Nagar, Kadavanthra-682020. (Working as President of Harrisons Malayalam Ltd.)
- A2. Sri. N. Dharmaraj, Age 67, S/o S.N. Nath, Mangavayal, Puthurvayal post, Kalpatta, Wayanad Dist: (Executive Director, Harrisons Malayalam Ltd:)
- A3. Sri. V. Venugopal, Age.63, S/o. G. Velayudhan Nair, C2/89, SreeLekshmi, Indira Nagar, Kadavanthra, Ernakulam. (Vice President (Legal), Harrisons Malayalam Ltd:)
- A4. Sri. Ravi Anand, Age 56, S/o C.A. Padmanabhan, 256 C, Sivam, Kallara Road, Eror P.O, Thripunithura, Kochi-682306. (Company Secretary, Harrisons Malayalam Ltd.)

- A5. Smt. T. J. Mariyam, Age-87, W/o K.P. Daniel, Kudamadathadathil House, Pazhavangadi.P.O, Ranni, PathanamthittaDist.: (Former Sub Registrar, Punalur).
- A6. Sri. P.S. Sreekumar, Age 67, S/o Sankaranarayana Pillai, Chandrakantam, Apartment –G C, Skyline Orchid-1, Aiswarya lane, Muttambalam P.O, Kottayam – 4. (Former Sub Registrar, Peerumedu)
- A7. Sri. G.Vijayakumar, Age -59, Date of Birth: 25.05.1961, S/o Gopinathan Nair, Vijaya Bhavan, Alayaman P.O, Anchal. (Formerly Sub Registrar, Punalur. (Now working as District Registrar (General), Kollam. Date of Retirement :31.05.2017).
- A8. Sri. N.M.Gopinathan Nair, Age 62, S/o K.P.Gopalapillai, Nelliparambil, Kanjiram P.O, Kottayam. (Former Sub Registrar, Erumeli)

PARA – III PARTICULARS OF ACCUSED(ADDITIONALLY FOUND)

- NIL -

PARA – IV CASE IN BRIEF (OFFENCE LISTED ORIGINALLY)

Sri. Vinaya Raghavan, aged 63 S/o Dr. E.R. Menon, 12 F, DD Bhavan, Vidhya Nagar, Kadavanthra-682020, Sri. N. Dharmaraj, aged67, S/o S.N.Nath, Mangavayal, Puthurvayal P.O. Kalpatta, Wayanad, Sri. V. Venugopal, aged 63, S/o. G. Velayudhan Nair, C2/89, SreeLekshmi, Indira Nagar, Kadavanthra, Ernakulam and Sri. Ravi Anand, aged 56, S/o. C.A.Padmanabhan, 256 C, Sivam, Kallara Road, Eroor P.O, Thripunithura, Kochi-682 306being the President, Executive Director, Vice-President (Legal) and Company Secretary of M/s. Harrisons Malayalam Ltd., Bristow Road, Willington Island, Cochin – 682 003 respectively, on the basis of a forged

Indenture Document No.1600/1923 of Sub Registrar's Office, Kollam in English and produced the same as genuine and have conspired and connived with Smt. T.J. Mariyam, aged 87, W/o K.P. Daniel, Kudamadathadathil House, Pazhavangadi P.O, Ranni, Pathanamthitta, formerly Sub Registrar, Punalur on 08.03.1985, Sri. P.S. Sreekumar, aged 67, S/o Sankaranarayana Pillai, Chandrakantam, Apartment -GC, Skyline Orchid-1, Aiswarya lane, Muttambalam P.O, Kottayam - 4, formerly Sub Registrar, Peerumedu on 31.03.2004, Sri. G.Vijayakumar, aged 59, S/o Gopinathan Nair, Vijaya Bhavan, Alayaman P.O, Anchal, formerly Sub Registrar, Punalur on 24.06.2005 and Sri. N.M.Gopinathan Nair, aged 67, S/o. K.P. Gopalapillai, Nelliparambil, Kanjiram P.O, Kottayam, formerly Sub Registrar, Erumeli on 02.08.2005 being the Sub Registrars had abused their position as public servants and committed criminal breach of trust and as a result executed four sale deeds on the basis of a forged Indenture document No.1600/1923 knowing that they have no authority to do so. Moreover, the nature and authenticity of Indenture Document No.1600/1923 written in English and possessed by M/s. HML had not mentioned about its nature and authenticity of the title of the properties mentioned therein in the said document. The enquiry also revealed that there was no Indenture document in English registered at the Sub Registrar Office, Kollam.

PARA -V OFFENCE (ADDITIONALLY FOUND)

- NIL -

PARA -VI PARTICULARS OF WITNESSES QUESTIONED

W1: Smt. Susheela Bhatt, aged 62, W/o Raveendranath Bhatt, A-4 Apartment, Ebony, TATA Sherwood Apartment, Bhasava Nagar Main Road, Bangaluru, Karnataka State.

She stated that she started practice in the Hon'ble High Court of Kerala from 20.12.1987. During 2004 to 2007 she was appointed as Special Govt. Pleader in High Court of Kerala. During 2011 to 2016 she was appointed as Special Govt. Pleader for Revenue. During that period, she had to read some

reports regarding M/s Harrison's Malayalam Ltd. Based on this she had filed a writ petition before the High Court, OP No. 3508/2011. During the course of the trial, the Hon'ble Court had ordered to produce the survey records and the records in connection with the document 1600/1923. The document prepared in Malayalam which was produced by the Sub Registrar in a dilapidated condition cannot be readable and compared with. In the Map produced by the company, the unit of measurement was 'Hector', prepared in 1921, but the Hector measurement was coming into existence since 1966. So, she strongly suspects that the map was fake. On perusal of the document No. 1600/1923 so many discrepancies were noticed. Based on this, a letter was sent to the Govt. for conducting a Vigilance Enquiry.

W2 Sri. D.N.Padmarajan, aged 59, S/o Dhamodharan, Chandhini, Nedumbhaikulam, Kundara, Ezhukone, Kollam.

He stated that he was working as Sub Registrar Kollam since last month. He produced the attested copies of pages 93, 94, 95 of 3rd volume of Thumb Impression Register, the Book No.1, Volume No.10 of Sub Registrar Office Kollam and the seal which was used during the period 1098 ME. Of these the document Volume is in dilapidated condition due to its ageing and it is seen a bundle of pieces. Of these pieces, the narration of document No. 1600/1923 can be seen. This document was registered in Malayalam language. The Thumb Impression Register produced by him was in dilapidated condition. The Sub Registrar had identified that the 94th page of the said document was signed by the person, John Mackie and attested the document on 24.7.1098. That means the document 1600/1923 was registered on 24.7.98. But in the English Document, the pages are certified on 27.7.1098 and 28.7.1098. In addition to this, some corrections and over writings can be seen in this English Document. He also stated that the records which he produced is packed and sealed in his presence for producing before the Court.

W3: Sri. Sunulal.B.T, aged 49, S/o Bhageeradhan, Suroor, AmmachanMukku, Koottikada, Kollam (Questioned on 27.2.2015 & 6.3.2015).

He stated that he is working as LDC for the last two and half years in the Sub Registrar Office, Kollam. The document 1600/23 registered in Kollam Sub Registrar Office, as per the Filing Volume it is registered in Malayalam language. He stated that due to the dilapidated condition of this document, he was not able to say who the purchaser is. The document was filed in Book No. I, Vol. 10 of Kollam SRO. As per the page No. 94 of Thump Impression Register 1098 M.E, Vol. III, serial No. 1319 to 1934, the seller of the document 1600/1923 was one John Mackie. Though the signature of the seller is seen in the register, his thumb impression has not been taken, but it was certificated that 'he is personally known' and signed by the Sub Registrar dated 24.02.98 M.E. When the seller is personally known to the Sub Registrar the Thumb impression is need not taken, but the certificate to that effect is written and the signature of the seller is countersigned by the Sub registrar.

W4: Sri. Sasidharan Nair, aged 59/2015, S/o Pankajakshan Pillai, RalurkavuSreekovil, Nagarur P O, Thiruvananthapuram.

He stated that he is holding the post of District Registrar Kollam from August 2014. As per Rule 12 of the Travancore Registration Regulation Act 1087 ME, documents produced for the registration of languages other than Malayalam or Tamil cannot be registered without translating into Malayalam or Tamil. This clause stipulates that the original copy of the original document should also be produced. He said that when submitting a document for registration, the contents should be recorded in the register and a copy of it should be filed. The Travancore Registration Regulation Act 1087 M.E in accordance with Rule 44C requires that the original documents be recorded in three types of books. Book No.1 None Testamentary Documents, Sale, Gift, Division, Exchange, Mortgage etc. In Book No. 2 Will Documents and Book No.3 Miscellaneous items. This Rule is applicable to the document 1600 of 1098 ME. According to Rule 107 the copying of the document from the volume must be equal to the original. Rule 51 states that when submitting a document for registration, the Sub-Registrar must certify each page number on the same day.

The thumb impression of the party should be taken on the registration date. The 1600/1923 document dated 8.3.1923 AD that is Malayalam Era 24.7.1098. The other side of 1st page of the document it is certified that the document was presented for registration on Kumbam 28, 1098 M.E. But the date of the registration certificate is written as 27.7.1098. The page Nos. 33 and 45 of the document the date written as 28.7.1098 but rest of the pages the date of certificate written as 27.7.1098. In the certified copy of Thumb Impression Register for the period 1098 M.E of the SRO, Kollam against the document 1600 is written as "personally known" and signed by the SRO on 24.7.98. From the above the date written on the back side of the first page of the document and the dates written on the other pages are not as per the Rule. Moreover, no witness is seen signed on the last page of the document. As per Rule 28 any corrections if any, shall attested by the seller and the same is mentioned in the footnote. The document shown to him, two corrections in page No.9 and page No. 54 and which was stated in the document. But there are some corrections and over writings in page Nos. 28,33,53,54,55,60,62 is seen, which had been done for manipulation. According to Registration Rule 1956, whenever a document is registered the authenticity need not be verified by the Sub Registrar. However the parties who presented the document should be identified by the Sub Registrar and verify the documents relating to the property. Any Advocate or licensed document writer is authorized to prepare the documents. Document Writers Rules 1960 specified such matters.

W5: Sri. Neelakanda Sharma, Aged 59, TC 42/276(3), House No. 22, Vaishak, Manacaud PO, Thiruvananthapuram.

He stated that he retired from the post of Asst. Inspector General (Registration) in November 2013. He was holding the post of Principal Sub Registrar Kollam for 7 months from 22.2.2013. On that occasion he verified the Filing Volume which includes the document 1600/1923, it is found that the document was in a dilapidated and grind condition. On verification of the dilapidated and grind pieces of papers it is clear that it was a document in a Malayalam language. On verification of the Thumb Impression Register 1098 M.E of SRO Kollam, in page No. 94 seven thumb impressions were taken,

among those against the document No.1600/1923 one John Mackie was signed and it was certified that "personally known" by the Registering Officer with his signature and date on 24.7.98 (ME). The document now shown to him which is in English language, it is understood that the document 1600/1923 was presented for registration at 2.15 PM on 1098 Kumbam 28 (8.3.1923 AD). The date of registration certificate in the document is 28.07.1098 M. E, but in the page of this document it is seen that the dated is 27.7.98 except the pages 35 and 45. Therefore, it is seen that the registration certificate is written one day before its presentation date. On perusal of the document it is seen that one John Mackie signed for and on behalf of Malayalam Rubber and Produce Company, Liquidator John Barren, and for Malayalam Plantation Ltd. Company. Moreover, it is seen that the Malayalam date is seen in the document which is in English Language. An endorsement should not be recorded in Malayalam language in a document which is prepared in English language. As per Rule 100 of the Registration Rule 1908 the Registering Officer shall ordinarily write the endorsement on document in the language in which it is written or a translation thereof is presented. The writing shall be in one page of the document presented for registration. In this document shown to him it is seen that the Sub Registrar initialed in the bottom of the intermittent pages the Sub Registrar should record the page certificates. The registration certificate shall be recorded in the back side of the document and also should be in the middle of the page. But the document shown to him the certificate is seen recorded at the top of the document. This document starts with the word 'Indenture' which means 'Contract or Agreement'. On a reading of the document the details regarding the prior document is not clear. As that detail is not described in the document the area mentioned in the document would not be legally stand. Though there are the names of two witnesses in the last page they were not seen signed. This is also a defect. Only two corrections are noted on 7th line of page 9 and 16th line of page 54, but there are many corrections seen by different handwritings. This could not be allowing as per Rule. Therefore, based on the above facts the document shown to him is not valid in the eye of law. In 1923, the Travancore Registration Rules existed and as per Rule 55, the document is not in English language or in the English language, its translation must be produced at the time

of registration. On verification of this document it is seen that the filing volume of this document 1600/1923 is seen recorded in Malayalam, not in English.

W6: Adv. Devanand, Aged 57, No.4, Brick Fort, Jenga Nagar, Trippunithura, Ernakulam.

He stated that now he is practicing as advocate in the High Court of Kerala. The certified copies of document No 1600/1923 which shown to him is related to properties of Harrisons Malayalam Ltd. Of these, English document was issued during 29.2.1980 and the Malayalam was issued during 18.10.1973 from SRO Kollam. Both certified copies were presented before him for notary attestation. He had verified and examined the originals with these color photocopies and attested and affixed seals in each page on 19.5.2015.

W7: Sri. C.J.Johnson, Aged 53, S/o Jacob, Trinity, Edakulangara, KalleriBhagam, Karunagapally, Kollam (Questioned on 15.10.2018)

He stated that now he is working as Amalgamated Sub Registrar Officer, Kollam. The Volume of Document No.1600/23 was seized by VACB for the purpose of investigation. The English copy Doc. No. 1600/1923 was recorded in File Volume No. 21/1098 M.E which was missing from the record room. When a document is registered in English language, its translation that is Tamil or Malayalam both original and copy should also be produced along with the English document at the time of registration. If the document is prepared in the English language the Malayalam translation document should be added in the Volume and the English copy document should be added in the File Volume. The document English copy added in File Volume is known as Memo File. The book shown to him is a Volume in a dilapidated condition which was seized and assembling by VACB. On examination of each page of this book, it can be seen that it is a mixture of both Volumes and File Volumes. The other Sub Registrar Office seals can be seen in the File Volume. The first page of the copy of English Indenture document No. 1600/1923 a diamond seal W/Rs 46340/- is seen imposes on the middle of the top, bottom at the left side margin a seal dated 22.07.1098 of Stamp Depot, Thiruvananthapuram. Behind the first page it can be seen a seal of Kollam SRO at bottom. In addition to this seal of SRO Kollam

signatures of SRO is seen at the bottom on all pages. The Certified copy of Malayalam document No. 1600/1923 which shown to him is prepared on 18.10.1973 and it was prepared examined by one Subair, Clerk and it was compared by one Seethalakshmi, Clerk. That copy was signed and issued by SRO Padmanabhan. He also stated that he don't know whether they are alive. The Certified copy of English Indenture Doc. No.1600/1923, which is shown to him is prepared on 29.02.1980 and it was prepared examined by one Leelamoney, the clerk and it was compared by one Lakshmikutty, Clerk. The copy signed and issued by one P. Ramakrishnapilla, he is not alive now. On examination of the Memo File Volume of 1100 M.E, SRO Kollam Book No. 1, Volume No. 33 (Memo 4947 to 5189) it can be seen in the 3rd page a registered document which was entered in 1925, for the property belongs to Harrisons Malayalam. This document is started with the ward 'This Indenture' and the 49th page of the said Volume is also started with the ward 'This Indenture'. The section 19 of the Registration Act 1908 describes that the languages that does not understand by registering authority at the time of registration of documents. For old applications for certified copies and details regarding the received and issue registers are not available in this office.

W8. Smt. Lakshmikutty, Aged 86, W/o Kunjan, ThekkethoppilVeedu, NenmaniDesam, Mandrothuruth, Kollam (Questioned on 13.7.2018).

She stated that during 1980's she had been working as an Upper Division Clerk at Sub Registrar Office Kollam. She admitted that the signature against the copy read by Lakshmikutty in the last page of the certified copy of document No. 1600/1923 is her signature. This certified copy is written by one Leelamoney who worked along with her at that Office. Sri. Ramakrishnapilla was the Sub Registrar of that time. The certified copies are prepared by copying from Filing Volume. She also stated that the certified copies cannot be prepared any other way. She signed in certified copy only after comparing with filing volume.

W9: Smt. Leelamoney, Aged 71, D/o Lakshmikutty, Near St. Agnus Girls High School, Neendakara PO, Kollam (Questioned on 15.10.2018).

She stated that she retired from service while she was working as Sub Registrar, Ezhukone. During 1980's she was working as LDC at Sub Registrar Office Kollam. The certified copy of 1600/1923 which shown to her was prepared and examined by her and attested in the last page of the document. This certified copy was prepared and copied from the related filing volume. If the filing volume is in English the copy should prepared in English.

W10: Sri. Sasidharan, Aged 61, S/o Govindhan Nair, Pothattil, North Beppur P O, Kozhikode (Statement recorded on 24.10.2018).

He stated that he had retired on 31.10.2014 from service while working as Asst. Director, Mapping, Thrissur. While he was working at the Central Survey Office as Asst Director, he was summoned by Smt. Susheela Bhatt, former Govt. Pleader to her office for a discussion about Litho Map related to Harrisons Malayalam. A discussion had been done with the Litho Map contained survey No. 874, 875 and 335. There was no department seal in the said Litho Map. As per the Survey Manual, the Topological details, usually marking in Litho Map and Survey Sketch are 49 items. But some marks, which were not included in the Survey Manual was seen in the said Litho Map. The method of preparing of a Survey Map is describes in Chapter VIII and IX, Part II of Government Survey Manual. During 1920 the Non Metric system was adopted in Survey Maps. The Hector system was implemented in 1966, there is a provision that the Metric system converts into Hector system and marked in red ink.

W11: Sri. Nishad, S/o Thankappan, Aged 52, Sreepadmanabathil, TC 13/724(2), Vadakkadu P O, Vanchyoor P O, Thiruvananthapuram (Questioned on 28.3.2015).

He stated that he is working as Special Tahasildar (LA) International Airport, Thiruvananthapuram; in addition to this he has holding the additional charge of Central Stamp Depot, Thiruvananthapuram. If a large amount registration fee is required, the amount is remitted to Treasury thereafter an

application along with required papers would be present before the Depot. The required amount for registration will be embossed into the paper. Any kind of paper can be produced for this purpose. He also stated that he cannot say any comments regarding the authenticity of Mudra and Seal embossed in the document 1600/1923. Now the seal used in Central Stamp Depot is another one instead of the seal embossed in the document 1600/1923.

W12: Sri. Gopakumar, Aged 55, S/o Parameswarapillai, Nandhanam, ChittatinkaraKuttamvila, Vattiyoorkavu, Sastamangalam, Thiruvananthapuram.

He stated that he is working in stamp manufacturing factory of Archeological Department as Deputy Superintendent. As per the records in this office the seals affixed in the document which shown to him is not in the possession this office. The age old seals and coins were received from other offices is kept in this office after proper accounting. But on verification of the register concerned in this office the seals affixed in the document No. 1600/1923 is not seen.

W13: Smt. Aparna, Aged 38, W/o Santhakumar, Aranya, Chempazhunthi PO, Thiruvananthapuram (Pen No. 673733).

She stated that last seven years she is working as Assistant Director, Document, FSL Thiruvananthapuram. On 30.09.2015 as per letter No. 9/13/SIU-II/ECJ dated 29.09.2015 of EC&SJ Court the seal and document were received for examination. The questions 1 to 6 as per the forwarding note attached to this document was examined and a report No. AS104/15/ dated 12.06.2018 was submitted before the Hon'ble EC&SJ Court Tvpm. The 2nd para of the report says that Q1 to Q8 "the entries marked Q1 to Q8 contains writings made by subsequent addition, insertion and or alteration by overwriting using an ink different from that of the neighboring entries and that must have been written not in a continuous process". The 3rd para says that the seals (Q1 to Q61) seen in the questioned document were compared with the impression taken from the standard seal, but it cannot be sure to say that the seal impression in the questioned document is from the standard seal. The 4th para says that the item No. Q62 whether the impression of Travancore Government is embossed?

On examination of the Q62 there no clear characteristics of embossing. In para 5 says regarding the aging of the document but the aging of a document cannot be ascertain scientifically.

W14: Sri. Sabu, Aged 48 , S/o Chellapan, Vellamcode, Muttambalam, Kanjikuzhi, Kottayam.

He stated that he is working as DIG, Registration, South Zone from 26.7.2018. On examination of the colour photocopy of the English document, it is registered during 1923 at Kollam Sub Registrar Office. This document has a seal inscribed on the top of the first page. In this seal it is engraved that "Rupees 46340" in the middle, and its top and bottom written in English and Malayalam that "Travancore Government" and it is seen in a diamond shape. After the document is created, the document will be engraved on the front page of the document if the value is more than a certain amount. In the first page, it is seen that a seal affixed belongs to Central Stamp Depot, Trivandrum dated 22.7.98 at left side of the bottom. From the above it is understood that this document was prepared in Malayalam Era 22.07.1098 and an amount of Rs. 46340/-was engraved at Central Stamp Depot, Trivandrum in the document. When creating a document, the error should be recorded on the last page of the document, accordingly the errors on pages 9 and 54 were recorded on the last page of this document and that this was certified by the sub-registrar Kollam. Behind the 1st page of this document it is noted that the document was produced for registration at the Kollam Sub Registrar Office on 28th Kumbam 1098 ME at 2.15 hrs by Attorney John Macy who authorized for Malayalam Rubber and Plantation Company. Below this lines Sub Registrar Kollam certified that he personally known this John Macy and signed with date. This English Indenture document cross checked with English and Malayalam certified copies. This English document started with a word "This Indenture'. In this document it is seen that some corrections and overwriting in page Nos. 28, 33, 50, 53, 54, 55, 60, 62. Each of these corrections, one by one is examined with Malayalam and English certified copies of document 1600/1923. The certified copies were obtained from SRO, Kollam on 18.10.1973 and 29.02.1980 respectively. On page No.28, line 16 of the English Indenture appears to have been written more as the survey

numbers '411'. On comparison with Malayalam certified copy it is seen that in page No. 24, line 8 the survey No 411 is written and it is seen in English certified copy in 27th page, lines 10 and 11 the survey No. 411 was written. In page No. 33, line 8 of the English Indenture 'being are survey No. 874/1,2,3' is seen look like a different hand writing. The same line is seen in the Malayalam certified copy page No. 27, line 17 as 'ഈ അതിർത്തികകത്ത് ഉൾപ്പെട്ടതും സർവ്വേനമ്പർ 874/1,2,3 എന്ന നമ്പറിൽ കൊണ്ടതായ'. In the English certified copy it is seen in page No. 31, line 16 as 'being are survey No. 874/1,2,3'. Like that the last line in page No. 50 of the English Indenture it written in deferent hand writing that 'The above lands are bounded on all sides by government land'. The same line seen in the Malayalam certified copy in last line of page No. 39 that 'മേൽപറഞ്ഞ ഭൂമിക്ക് തെക്കും വടക്കും പടിഞ്ഞാറും കിഴക്കും ഗവൺമെന്റ് ഭൂമിയാൽ ചുറ്റപ്പെട്ടിരിക്കുന്നു.' In the English certified copy, it is seen in last line of the page No. 48, that 'the above lands are bounded (damage)'. In page No. 53, lines 15 and 16 of the English Indenture 'and another area of 26 acres and 80 cents also included in the above boundaries'. some part of the line is seen written in a different hand writing. In Malayalam certified copy it is seen in the last line of page No. 42 that 'മേൽപറഞ്ഞ ഭൂമിക്ക് 26 ഏക്കർ 80 സെന്റ് സ്ഥലവും കൂടി മേൽപറഞ്ഞ അതിർത്തികകത്തു ഉൾപ്പെട്ടിരിക്കുന്നു'. In the English certified copy, it is seen in page No. 51, lines 13,14,15 that 'and another area of 26 acres and 80 cents also included in the above boundaries'. In page No. 54, line 16 of the English Indenture 'containing 1030 acres and 11 cents seen in a different hand writing. In Malayalam certified copy it is seen in the 43th page line as 'ഒട്ടുക ഏറെകറയ 1030 ബ്രട്ടീഷ് സ്റ്റാറ്റൂട്ട് ഏക്കർ 11 സെന്റ് വിസ്തീർണമുള്ളതും'. In the English certified copy it is seen recorded in the page No. 52, line 13 that 'containing 1030 acres and (damage)'. In page No. 55, line 16 of the English Indenture is seen written that 'No's 889/1-2, 904/1A, 904/2A and', but it is seen in different hand writings. On verification of the Malayalam certified copy the same line is seen in page No.44, line 13 recorded that 'സർവ്വേ 889/1-2 904A 904/2A 905'. In the English certified copy, page No.53, line 7 & 8 is seen written as 'half of survey No's 889/1-2, 904/1A, 904/2A. In page No. 60, the 2nd

line of the English Indenture is seen written that 'and 31cents is to be', the writing is seen as over-writings. In the Malayalam certified copy the same line is seen recorded in 47th page, line 9 as '2 ഏക്കർ 31 സെൻറ് വിസ്തീർണം സ്ഥലത്തെ പാട്ടം കൊടുത്തയാളിനും'. In English certified copy the same line is seen in the last line of page No. 56 that "the whole area of 2 acres and 31 cents is to be reserve'. In the English Indenture page No. 62, the 9th line of the table it is written as 'do of 861/1A' is seen in a different character of writings. It is seen in the Malayalam certified copy page No. 49, 9th line recorded that '861/1എ). In English certified copy it is seen in page 59, line 9 recorded that 'do of 861/1A'. These two certified copies are prepared and issued from SRO, Kollam. From this, it can be decided that the corrections mentioned above in the document No. 1600/1923 of Harrisons Malayalam had been done on or before the registration date. The above-mentioned correction may have been recorded in Volume of 1600/193 stored at SRO, Kollam, therefore it was repeated in the certified copies also.

W15: Sri. Sasidharan Nair, Aged 74, Gangadharan Nair, TC/37/953, Kottakkagam, Vettimurichakotta, East Fort PO, Thiruvananthapuram.

He stated that he has been running a document writing office at East Fort, Thiruvananthapuram for 45 years. The document No. 1600/1923, which shown to him is examined in the presence of South Zone DIG (Registration) Sri. Sabu and Sri. Mukundhan Pillai, retired under Secretary, Revenue Department. On examination of this English document, it is registered during 1923 at Kollam Sub Registrar Office. This document has a seal inscribed on the top of the first page. In this seal it is engraved that "Rupees 46340" in the middle, and its top and bottom written in English and Malayalam that "Travancore Government" and it is seen in a diamond shape. After the document is created, the document will be engraved on the front page of the document if the value is more than a certain amount. In the first page, it is seen that a seal affixed belongs to Central Stamp Depot, Trivandrum dated 22.7.98 at left side of the bottom. From the above it is understood that this document was prepared in Malayalam Era 22.07.1098 and an amount of Rs. 46340/-was engraved at Central Stamp Depot, Trivandrum in the document. When creating a document, the error should be recorded on the last page of the document, accordingly the errors on pages 9 and

54 were recorded on the last page of this document and that this was certified by the sub-registrar Kollam. Behind the 1st page of this document it is noted that the document was produced for registration at the Kollam Sub Registrar Office on 28th Kumbham 1098 ME at 2.15 hrs by Attorney John Macy who authorized for Malayalam Rubber and Plantation Company. Below this lines Sub Registrar Kollam certified that he personally known this John Macy and signed with date.

W16: Sri. Mukundhan Pillai, Aged 67, S/o Raghavan Pillai, 'Nisantham', PRA B, Padayani Road, Vattiyoorkave, Thiruvananthapuram.

He stated that he was retired from the post of Under Secretary, Revenue Department, Government Secretariat Thiruvananthapuram. The colour photocopy of document No. 1600/1923 of the Harrisons Malayalam Company is registered at the Kollam Sub-Registrar's Office. This document is cross examined with English and Malayalam certified copies in the presence of a document writer Sri. Sasidharan Nair and Sri. Sabu, Registration DIG, South Zone at his Office. On examination of this document it is started with a word "This Indenture". In this document it is seen that some corrections and overwriting in page Nos. 28, 33, 50, 53, 54, 55, 60, 62. Each of these corrections, one by one is examined with Malayalam and English certified copies of document 1600/1923. The certified copies were obtained from SRO, Kollam on 18.10.1973 and 29.02.1980 respectively. On page No.28, line 16 of the English Indenture appears to have been written more as the survey numbers '411'. On comparison with Malayalam certified copy it is seen that in page No. 24, line 8 the survey No 411 is written and it is seen in English certified copy in 27th page, lines 10 and 11 the survey No. 411 was written. In page No. 33, line 8 of the English Indenture 'being are survey No. 874/1,2,3' is seen look like a different hand writing. The same line is seen in the Malayalam certified copy page No. 27, line 17 as 'ഈ അതിർത്തിക്കകത്തു ഉൾപ്പെട്ടതും സർവ്വേ നമ്പർ 874/1,2,3എന്ന നമ്പറിൽ കൊണ്ടതായ'. In the English certified copy, it is seen in page No. 31, line 16 as 'being are survey No. 874/1,2,3'. Like that the last line in page No. 50 of the English Indenture it written in deferent hand writing that 'The above lands are bounded on all sides by government land'. The same line seen in the Malayalam certified copy in last line of page No. 39 that 'മേൽപറഞ്ഞഭൂമിക്ക്

തെക്കും വടക്കും പടിഞ്ഞാറും കിഴക്കും ഗവണ്മെന്റ് ഭൂമിയാൽ ചുറ്റപ്പെട്ടിരിക്കുന്നു'. In the English certified copy, it is seen in last line of the page No. 48, that 'the above lands are bounded (damage)'. In page No. 53, lines 15 and 16 of the English Indenture 'and another area of 26 acres and 80 cents also included in the above boundaries'. some part of the line is seen written in a different hand writing. In Malayalam certified copy it is seen in the last line of page No. 42 that 'മേൽപറഞ്ഞ ഭൂമിക്ക് 26 ഏക്കർ 80 സെന്റ് സ്ഥലവും കൂടി മേൽപറഞ്ഞ അതിർത്തികളെ ഉൾപ്പെട്ടിരിക്കുന്നു'. In the English certified copy it is seen in page No. 51, lines 13,14,15 that 'and another area of 26 acres and 80 cents also included in the above boundaries'. In page No. 54, line 16 of the English Indenture 'containing 1030 acres and 11 cents seen in a different hand writings. In Malayalam certified copy it is seen in the 43th page line as 'ഒട്ടുക ഏറെകറയ 1030 ബ്രട്ടീഷ് സ്റ്റാറ്റൂട്ട് ഏക്കർ 11സെന്റ് വിസ്തീർണമുള്ളതും'. In the English certified copy, it is seen recorded in the page No. 52, line 13 that 'containing 1030 acres and (damage)'. In page No. 55, line 16 of the English Indenture is seen written that 'No's 889/1-2, 904/1A, 904/2A and', but it is seen in different hand writings. On verification of the Malayalam certified copy the same line is seen in page No.44, line 13 recorded that 'സർവ്വേ 889/1-2 904A 904/2A 905'. In the English certified copy, page No.53, line 7 & 8 is seen written as 'half of survey No's 889/1-2, 904/1A, 904/2A. In page No. 60, the 2nd line of the English Indenture is seen written that 'and 31cents is to be', the writing is seen as over-writings. In the Malayalam certified copy the same line is seen recorded in 47thpage, line 9 as '2 ഏക്കർ 31 സെന്റ് വിസ്തീർണം സ്ഥലത്തെ പാട്ടം കൊടുത്തയാളിനും'. In English certified copy the same line is seen in the last line of page No. 56 that "the whole area of 2 acres and 31 cents is to be reserve'. In the English Indenture page No. 62, the 9th line of the table it is written as 'do of 861/1A' is seen in a different character of writings. It is seen in the Malayalam certified copy page No. 49, 9th line recorded that '861/1എ. In English certified copy it is seen in page 59, line 9 recorded that 'do of 861/1A'. These two certified copies are prepared and issued from SRO, Kollam. From this, it can be decided that the corrections mentioned above in the document No. 1600/1923 of Harrisons Malayalam had been done on or before the registration date. The above-mentioned correction may have

been recorded in Volume of 1600/193 stored at SRO, Kollam, therefore it was repeated in the certified copies also.

W17: Sri. Anand, Aged 38, S/o Jayakumar, Rose Mount House, Oolempara Junction, Peroorkada P O, Thiruvananthapuram (Resident Manager Harrisons, Malayalam, Pvt. Ltd.).

He stated that he is the Resident Manager, Trivandrum of HML from 1.8.2013. HML received a notice from VACB for producing the document 1600/1923 for this Vigilance case. But a writ petition is filed before the Hon'ble High Court regarding the above document and the notice U/s 91 CrPC. In this regard the original document was handed over to the legal experts of the company, therefore the documents could not be produced today on 5.2.2015. He further the English Document No. 1600/1923 was registered in the year 1923 at SRO, Kollam, the same was submitted before the Hon'ble Registrar of High Court of Kerala as instructed by Hon'ble High Court. The certified copies of Malayalam and English of 1600 was obtained from SRO, Kollam during 1973 and 1980 respectively by the company as per application. Now only these certified copies are the document for the daily affairs of the company. Therefore, he informed that the certified copies cannot be produced before this Bureau and he produced the Notarized colour copies instead of the said document. He also stated that if the Court demands, the document will produce.

W18: Smt. Maria Judy, Aged 50, W/o Jose Prakash, Chakkalal Veedu, Kumbalangi, Ernakulam.

She stated that she is working as Sub Registrar, Mattancherry from 4.6.2018. The Book No. IV is a Volume Book maintained for 'Power of Attorney', which included the details of Chitty Bond and Receipt. Details of Chitty Bond No. 10/1985 are provided in Book No. IV, Volume No. 43, Page 87 of this Office. This is the registration of the President of the Robert Bristow Memorial Benefit Fund, Mr. C. D. Varghese and the secretary V.V Purushothaman as a first party, and one Sasi and one Mani as a second party. This registration had been done on 8.1.1985. The 'Attested Power Attorney' is an authorization agreement, a document after prepared and signed

by the signatory and which is authorized to produce before a registering authority on behalf of the signatory. Section 33(a) of Registration Act 1908 describes the Attested Power of Attorney. The File Volume of Attested Power of Attorney kept in this office was not found in the records room of this Office. The Attested Power of Attorney prepared in this Office must be recorded in concerned SRO Power of Attorney Register. She also stated that if a document is register through both Power of Attorney or Attested Power of Attorney it should be recorded in the related document.

W19: Sri. Alpha Johnnie, Aged 49, S/o JohnnieChaco, White House, Kattambally, Kadakkal, Kollam (Pen No.).

He stated that he is working as Sub Registrar, Punalur since last year. The Volume No. 1008.1985 is contained in Volume 528 of Book No. 1. The page No. 219 of this Volume an endorsement was seen written. It says that 'Copy of endorsement and certificates: - Presented in the office of the Sub Registrar Punalur at 10.30 AM on the 8th day of March 1985 and paid a fee of Rs. ninety-six thousand and one hundred and forty-six only paid by T K V Nair sd/thumb impression son of P V Gopala Pillai, Company executive residing at Currier Station Road, Ernakulam Power agent for and on behalf of PananghatKochu Krishna Menon for Harrisons Malayalam Ltd. son of M. Krishna Menon residing at Kilkelly by Special Power of dated 23.2.1985 attested by Sub Registrar, Mattancherry as on 10/1985 dated 23.2.1985. At the bottom of this page signature of T K V Nair and the Examiner and Reader. This Volume was produced before Sri. Syamkumar, DySP, SIU II and it was seized as per inventory, after that it was given back as per our request. When an Attested Power Attorney produced, it should return to the party after the document No. noted behind the Attested Power Attorney.

W20. Sri. Anilkumar, Aged 43, S/o Soman Unnithan, Anilkumar Bhavan, Ezhamkutty ESI Junction, Perumbhuzha, Elampaloor, Kollam (questioned on 21.5.2015).

He stated that he is working as Junior Superintendent, Sub Registrar Office, Punalur. As instructed by the Sub Registrar, Punalur he produced the following; the Book No. 1 Vol. 528, the Book No. 1, Vol. 1380, the Thumb

Impression Register Vol. 561. Of these documents No. 1008/85 was recorded in Vol. No. 528. The thumb impression of the party is taken in the Thumb Impression Register Vol. 445. The Filing Vol. of Document No. 2840/15 is in Vol. 1380. The thumb impression of the party is containing in Thumb Impression Register Vol. 561. He also stated that he had signed the inventory of this records prepared by DySP SIU-II. The Filing Vol. 588 and 1380 were returned as per our request that the same was most essential for the functioning of this Office.

W21: Sri. Vijayakumar, Aged 61, S/o Neelakandan Nair, Ragesh Bhavan, Enikkara, Karakulam, Thiruvananthapuram.

He stated that he retired from the post of District Registrar (General) on 30.4.2014. During the period 2011-12 he was holding the position of Principal Sub Registrar, Kollam. He also stated that when a document is registered the following details such as name of seller, buyer, details of property, extent, survey number is required, moreover the rights accrued by the seller should be explained and no documents should not be registered without survey number. Before the present Registration Rule have come into effect in the year 1958, the Travancore Registration Rules had been following. The verification of previous document is not a mandatory at the time of registration but it has been verified for avoiding any legal proceedings in future. If there are different survey numbers in a document, the extent of each survey number should have been recorded separately in the document. The languages other than Malayalam, for registration, the translated copy can be asked by a Sub Registrar. Such translated document should also record in the register, but separate stamps need not be affixed. However, the prescribed fee for this purpose should be levied. He has also stated that the documents 1600/23 is a lease document.

W22: Sri. Summit Babu, Aged 35, Kishore Babu, ThonnamakkilVeedu, Eroor, Nadama, Kanayanoor, Ernakulam.

He stated that he is working as Senior Manager (Legal) Harrisons Malayalam Ltd. for assisting the Vice President (Legal) Harrisons Malayalam. Harrisons Malayalam Ltd. mainly in the field of Rubber and Tea Plantations.

The Company had engaged so many cases with State and so many individuals. Earlier the Company's name was Malayalam Plantations India Ltd., later it was re-named as Harrisons Malayalam Ltd. on 29th October 1984 as per order of the Registrar of Companies, Kerala. The Company-owned properties are registered under the SRO of Kollam under Document No. 1600/1923. The document was prepared in English for registration and at the time of the registration the copy of English and Malayalam was produced. Harrisons Company has conducted so many civil cases in several Courts, for that purpose the certified copies of the English and Malayalam document No. 1600/1923 was produced before Courts. There are so many allegations were raised against the genuineness of the document No. 1600/1923. Of these, for possessing the Government land the survey numbers in the documents made corrections and forged seal and signature on the document. The company had been obtained a certified copy of Malayalam of Document No.1600/1923 issued from SRO Kollam during 1973 and a certified copy of English of Document No.1600/1923 issued from SRO Kollam during 1980. Compared to the English original document number 1600/1923, it was found that all the corrections alleged in the original document and the certified copies are seen same. Only after the company had conforming that any corrections or malpractices were not done by anybody of their predecessors and the document was produced for Court purpose. The discrepancies based on the Registration Rule noticed in the document No. 1600/1923 may have happened at the time of registration. The Malayalam and English certified copies of the document No.1600/1923 was prepared by copying from the concerned Volume File kept in the SRO, Kollam. During 1985 an estate named Ambanad Estate under the jurisdiction of Punalur SRO was sold. For this, the sale deed, which was prepared in the name of the then Chief Executive, PanaghatKochu Krishna Menon, for the sake of presenting the document before the SRO Kollam for registration, an Attested Power of Attorney No. 10/1985 P K V Nair as a power agent was attested by SRO, Mattancherry on 23.02.1985. As per the annual report 1984-85 of the company the Chief Executive was Sri. PanaghatKochu Krishna Menon (P K Menon) and as per the Memorandum of Association the 2nd position in the list of Name, Address and Occupation of subscribers was P K Menon, S/o M Krishna Menon,

Kilkely, Dutch Cemetery Road, Cochin as Company Executive. In the 5th line name and address was T K V Nair as company Chartered Accountant. TKV Nair was expired on 26.4.1991 while undergoing treatment at Cosmopolitan Hospital, Thiruvananthapuram. He produced the photocopy of death certificate which issued from Corporation Office, Thiruvananthapuram. He further stated that the document number 1675/1910 of SRO Kanjirapally and document No. 3181/1912 of SRO Thiruvananthapuram an extent of 1050 and 1060 respectively was executed by Ramakrishna Panikar and others of Mattakattu family in favour of Josiah Robert Vincent (Cheruvally Estate). The properties originally belonged to the Koogoorpally Illom also known as Nandiattu Illom and the members of the Illom transferred the properties to Mattakattu family. Josiah Robert Vincent transferred the above two properties to Henry Mansfield Knight vide doc. No. 3437/1912 of SRO Kanjirapally. The Malayalam Rubber and Produce Company Ltd. transferred the above property to M/s Malayalam Plantations Ltd. by Doc. No. 1600/1923. In the year 1947, by sale deed No. 884/1947 of SRO Kunnathunad and sale deed No. 834/1047 of SRO Alangad the jenmam right of the Illom was purchased by Malayalam Plantations Ltd. In addition to this Patta No. 792/1935 was granted by Travancore Government in favour of Malayalam Plantations Ltd. for an extent of 136.35 acres. Doc. No. 1343/1909 of SRO Kollam was executed by Isfield Tea Company Ltd. in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 424.88 acres (Thenmala Estate). Prior to this the property was sold by the Travancore Government to Arthur Charles Williams by way of auction sale and Patta No. 433 was granted in the year 1907. Thereafter, the said property was sold by Arthur Charles Williams and others to Isfield Tea Company Ltd. Out of the said 424.88 acres, an extent of 206.51 acres in survey No. 1/1 to 3 and 2/4 to 11 forms part of sale deed No. 2840/2005, an extent of 21.82 acres was acquired by the Government of Kerala for Kallada Irrigation Project. The Doc. No. 4069/1910 of SRO Trivandrum was executed by Horace Drummond Deane in favour of Malayalam Rubber Produce Company Ltd. assigning an extent of 890.01 acres in the erstwhile Changancherry Taluk. The above properties originally belonged to the Vanchipuzhay Madom and the same was transferred by one Oozhithiraru Oozhithiraru of the said Madom to Horace Drummond

Deane. The Doc. No. 1787/1924 of SRO Kollam was executed by Henry Ward, the Administrator General of Madras (being the Administrator to the Estate of late Harry Bertrand Kirk) of Peruvanthanam Syndicate and Malayalam Rubber produce Ltd. in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 762.55 acres in the erstwhile Peerumade and Changnacherry taluks. The above property originally belonged to the Vanchipuzhay Madom and the same was transferred by one Oozhithiraru Oozhithiraru of the said Madom to Harry Bertrand Kirk. The said Henry Ward and Harry Bertrand Kirk had purchased certain shares of Malayalam Rubber and Produce Company Ltd. The Malayalam Rubber and Produce Company Ltd. transferred the above properties to M/s Malayalam Plantations Ltd. by Doc. 1600/1923 (Boyce Estate). Document No. 2189/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 1310.13 acres (New Arundel Estate). The document No. 969/1916 of SRO Kollam was executed by Norman Smith being the executive and trustees of the Last and testament of Ernest Molyneux Ewart (deceased) in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 589.15 acres. The property was sold by the Travancore Government to the said Ernest Molyneux Ewart in confirmation of the auction sale of the property under the Revenue Recovery Regulation. Doc. No. 2196/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M. Krishnan Nair in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 711.01 acres. Out of the said 711.01 acres, an extent of 469.65 acres in survey No. 387/1,3,4&5, 389/2,3,4,5&6, 406 & 403/1&2 forms part of sale deed No. 1008/1985 sold by HML to Travancore Rubber and Tea Company Ltd. Doc. No. 2228/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 127.80 acres (Ambanad Estate). Balance extent of Ambanad Estate was also sold by Travancore Government to the Predecessors of HML.

W23: Sri. Sudharsanababu, Aged 55, S/o Kesavan, KavuvilaVeedu, Mangattukonam, Kattaikonam P O, Thiruvananthapuram

He stated that he is working as Senior Clerk in State Land Board. From 2013, as per Govt. Order he had deputed for assisting Sri. Rajamanikam IAS, Govt. Land Special Officer. In connection with Harrisons Malayalam case he had met several times Smt. Susheela Bhatt, who was attended Revenue cases in High Court. In connection with the enquiry of the Special Officer the document No 1600/1923 was examined at their office. On examination of this document the irregularities noticed was shown in the Report of the Special Officer as per KLC Act. On enquiry by the Special Officer it was revealed that the disputed land got it from Govt. as grant and leased from different land owners. This land was not legally handed over to Company by this Govt. The private lease land are comes under the KLR Act, mean time the company had not established the ownership. The violations of Land Reforms Act before and after Independence, FERA Act 1947 and 1973, Indian Independence Act 1947, the Companies Act before and after 1956, Right Acquisition Act 1955 and Land Revenue Manual in this land was mentioned in the report. The entire land spread over the districts of Kollam, Pathanamthitta, Idukki and Kottayam were declared as Govt. land and Orders issued for takeover the land as Govt. land. The Company and others approached before Court against the decision of Special Officer. On 11.4.2018 a final Judgment in WP (c) 33122/2014 was pronounced that the Special Officer has not rights to decide the ownership of a land. The irregularities of the Indenture 1600/1923 were noted in the report of Special Officer and it was recorded in the Judgment in page No.59. In this Judgment it was pronounced that there is no right to examine such irregularities by the Special Officer and the civil dispute of a land will considered by a Civil Courts. Against the Judgment State Govt. had filed a Special Leave Petition before the Hon'ble Supreme Court on 17.9.2018 and was also rejected.

W24. Smt. Beena, Aged 50/20, W/o Udhayan, Purumettil Veedu, Kadappakada, Vadakkevila, Kollam.

She stated that now she is working in the Office of Survey Directorate as a Technical Assistant with a full additional charge of Assistant Director. On examination of the Settlement Register kept in this Office, Pathanapuram Sub Registration, Pathanapuram Taluk, Pathanapuram Village (old), Now Thenmala

Village shows the survey number ends in 874/1. In comparison with Litho Map, it can be seen that three Subdivisions have come in survey number 874. In addition to this, survey numbers 890 and 891 also seen in the Litho Map. In this Litho Map, survey numbers 875 to 891 can see marked as part of Nagamala Estate. The survey numbers 878/1 to 13 belong to Isfield Estate, survey numbers 880/1 to 25, 888, 889 and 892 belongs to Ambanad Estate, survey numbers 881/1,2,3 belongs to Top Bungalow Born Pound Estate, survey numbers 877/1,2 belongs to Top Bungalow Born Pound Estate, and are not in both Litho Map and settlement Register. In the document 1600/1923, the survey numbers 1/1,2, 2/4 to 11 of Thenmala Estate (Part XX) seen marked the name owner is East India Company. On examination of the survey numbers 827/1, 889/1,2 ,847/1-c, 848/1-B, 850/1-B 849/1-B, 889/1, 884/1, and 886/1 which belongs to Laha and Peruman Estate is seen marked as Govt. land in the settlement Register and other surveys No's are in the name of various persons. The survey numbers 586/1, 587/1, 588/1, 589/1, 589/2 590/1 of Kumbhazha Estate is seen marked as Govt. land in the Settlement Register and the rest one is in the name of an individual. The survey numbers 319/1-A and 319/1-B of Mudakayam Estate are seen marked as Purambok and the survey numbers 235/3, 235/4, 235/5, 235/6, 235/7, 235/8, are Govt. pandarakariyam and rest of the survey numbers are not in the Settlement Register. The name and address against the survey numbers mentioned in the settlement register are different individuals but, in the Village, and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect.

W25. Sri. Jahangeer, Aged 55, S/o M. Kasim, Vasim Manzil, Kottakal (PO), Mallapally, Pathanamthitta, (Mob. 9446685965, PEN. 409630).

He stated that he is working in Taluk Office Ranni as Deputy Tahasildar (Audit) from 8th July 2018. On verification of the Tandaper Register number 184 and 195 of Perunad Village Office (old Ranni) the survey numbers 887/1-2, 884/1-2, and 886/1 is seen marked. The property is seen in the name of Agent M/s Harrison Cross Fields Company on behalf of The Malayalam Rubber Company. The extent of the land in each survey No. is 81.29.142, 21.43.769,

and 16.48.367 acres respectively and a total extent of 119.21.278 acres. The total land as per the TPR No. 195 is 307.39.043 acres in survey Nos. 865/1A, 901/1B, 889/1-2, 1-3, 837/1A2, 1D2, 1D9, 1C, 1D8, 1B, 1E, 881/1B2, 1B5, 827/5-2, 902/1A2, 827/1-3, 838/1C. The description as per the settlement register, survey No. 889/1-2 is a wasteland a total extent of 290 acres, but as per the TPR, it is only 29 acres. He also stated he doesn't know how the rest of the land comes in the name of HML. All these discrepancies were informed to his higher-up for file a civil case against the company by the District Collectorate. As per Tandaper Register, the extent of 4266 acres of land has in the possession of HML, and the rest of the 2083 acres of land were taken leased from a different person. A civil suit, OS No. 47/2020 was filed before the Sub Court Pathanamthitta by District Collectorate for getting the rights established in the name of Government over the properties possessed by HML. The name and address against the survey numbers mentioned in the settlement register are different individuals but, in the Village, and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect. The Puramboke lands and Government lands marked in the settlement register, now if it is in the name of Malayalam Plantation earlier these lands may be granted to somebody by the government thereafter it was handed over to the company, otherwise, it may have encroached.

W26. Rajeev Thomas Aged 63, S/o T. Thomas, Thamarapallil, Iythala P.O, Pazhavangadi, Ranni, Pathanamthitta, (Mob. No.9447116289).

He stated that Iythala Muri, Moozhikkal Thamarappallil Kochu Thoma was his father's grandfather. In Perunad Village Tandaper number 302 and extent of 220.36.500 acres of land was in his name. The said land was handed over to one Bender Sayip during 1907 as a lease for 99 years. During 1980 a civil suit was filed before the Court for violating the condition prescribed in the lease agreement. At present, a case is pending before the High Court of Kerala against the Company. As per the Tandaper Register No. 302 of Perunad Village, the survey numbers and extent of land is in the name of Thoma S/o Thamarappallil Kochu Thoman. In addition to this, Tandaper No. 303, Kochu

Thoman, Abraham Kathanar, Tandaper No. 304 Kuruvilla Thomas, 318, Scariya Abraham, Scariya Scariya are their family members.

PARA – VII DOCUMENTS SEIZED /PERUSED

- Ext.A:** Vigilance Enquiry Report in VE/01/2013/SIU-II submitted by Sri. Nandhanan Pillai, Deputy Superintendent of Police, SIU-II, Thiruvananthapuram.
- Ext. B:** Copy of FIR in VC/9/2013/SIU-II U/s 13(1)(c)(d)(ii) r/w 13(2) of PC Act of 1988 and 406, 409, 468, 471 & Sec. 120 (B) of IPC registered by Sri. Syamkumar, Deputy Superintendent of Police, SIU-II, VACB on 01.11.2013
- Ext. C:** Bail Application No. 7614 of 2013 filed by A1 to A4 for seeking anticipatory bail which was granted with conditions by the Hon'ble High Court of Kerala.
- Ext. D:** Statement of facts filed by the then Investigating Officer before the Hon'ble Court to vacate the stay granted in the Crl. M.C 6447/2013 and dismiss the Crl M.C.
- Ext. E:** The Judgment dated 20.10.2014 of the Hon'ble High Court that the Crl. MC No. 6447/2013 was dismissed and in the Judgment, it is pronounced that 'the interim order of stay is vacated'.
- Ext. F:** An order passed by the Hon'ble High Court in I.A. No. 16940/14 in W.P (C) No. 33122/14 dated 5.2.2015 pronouncing that "*It is open to the respondents to approach the Registrar General and take custody of the original document for the purpose of verification and investigation and to have it returned in the due course*"
- Ext. G:** Photocopy of the Original English Indenture Document No.1600/1923 of SRO, Kollam (Pages 1 to 110)

- Ext. H:** The Volume Register Vol.10 Book No. 1, SRO Kollam 1098 M.E (Dilapidated and grinded pieces of paper) produced by the Sub Registrar, Kollam.
- Ext. J:** Rule 12 of Travancore Registration Regulation Act 1087 ME that a document presented for registration, which is not prepared in Malayalam or Tamil, without its translation, it should not be registered
- Ext. K:** A letter dated 25.04.2018 and copy of Order dated 13.4.2018 by the Hon'ble High Court of Kerala directing to produce the original document No 1600/1923 before High Court of Kerala on or before 30.05.2018 was received from Sri. S.B Premachandra Prabhu, Special Govt. Pleader, Advocate General Office, Ernakulam.
- Ext.L:** FSL report No. AS-104/15 dated 12.06.2018 by the Director, FSL before the Honb'le High Court of Kerala after completing the examination of the document along with reason on the examination of documents.
- Ext.M:** Acknowledgement from the Registrar General, High Court of Kerala while producing the Original Document No. 1600/1923 on 09.07.2018.
- Ext. N:** Reconstructed document Register Vol. No. 10, Book No. 1 (Kollam M.E. 1098) which was seized from SRO, Kollam on 6.3.2015 received from the Hon'ble EC & SJ, Thiruvananthapuram.
- Ext.P:** The Metric measurement system adopted vide Order No. Sy. B1-192268/65 dated 28.10.1965 provided that wherever a fresh sub division has to be created according to the provisions in the Rules issued under the Kerala Survey and Boundaries Act, 1961 the existing sketch of that field should be replotted first in metric units

by the Village Assistants or Surveyor attending the sub division work. The new sub division should then be measured in metric units and shown in the sketch in red ink

- Ext.Q** The notarized colour copy of Doc.No.1600/1923 in Malayalam language obtained from SRO, Kollam during 1973 and 1980 respectively by the company as per application.
- Ext.Q1:** The notarized colour copy of Doc.No.1600/1923 in English language obtained from SRO, Kollam during 1973 and 1980 respectively by the company as per application.
- Ext.R:** Copy of certificate of Incorporation and Memorandum and Articles of Association of Harrison Malayalam Ltd. under the Registrar of Companies Act, 1956.
- Ext.S:** Book No. 1 Vol. 528, the Book No. 1, Vol. 1380 of Sub Registrar, Punalur. Of these, document No. 1008/85 was recorded in Vol. No. 528. The thumb impression of the party is taken in the Thumb Impression Register Vol. 445
- Ext.T:** Death certificate of Sri.T.K.V.Nair issued from Corporation Office, Thiruvananthapuram that he was expired on 26.4.1991 while undergoing treatment at Cosmopolitan Hospital, Thiruvananthapuram.
- Ext.U:** Copy of relevant pages of Tandaper Register bearing T.P.No.4 from Village Office, Thenmala for following estates :Nagamala Estate, Isfield Estate, Ambanad (New Arundale Estate), Top Bungalow Born Pound Estate, Midlothian Estate, Thenmala Estate, Kuthiramala Garden Estate, Nambiar Estate, Koravan Thavalam Estate.
- Ext.V:** Settlement Register of Thenmala Estate attested by Superintendent, Central Archives, Thiruvananthapuram.(Survey Nos. 1 to 7)

- Ext.W:** Copy of relevant pages of Tandaper Register bearing T.P.No.136 from Village Officer, Aryankavu for following estates : Venture Estate, Florence Estate, Anachady Estate, Little Anachady Estate, Nedumpara Estate, Homestead to Nedumpara Estate, New Mourya Panchan Estate, Upper Florence Estate, Chinnakularatti Estate, Upper Anachady Estate, Ridgeband Estate, A & B Block Estate, New Swarnagiri Estate, Arundale Estate, Florence Estate, Venture No.2 Estate.
- Ext.X:** Settlement Register of Laha and Perumon Estates attested by Superintendent, Central Archives, Thiruvananthapuram. (Survey Nos. 809 to 915)
- Ext.Y:** Copy of relevant pages of Thandaper Register bearing T.P.Nos. 184, 195, 14, 23, 30, 33, 94, 98, 99, 100, 101, 104, 126, 133, 139, 149, 150, 163, 292, 293, 297, 302, 303, 304, 317, 318, 439, 461, 944, 1043, 1150 and 3703 from Village Officer, Perunadu.
- Ext.Z:** Settlement Register of Kumbazha Estate attested by Superintendent, Central Archives, Thiruvananthapuram (Survey Nos. 574 to 596).
- Ext.AA:** Copy of relevant pages of Tandaper Register bearing T.P.Nos. 142, 144, 146 from Village Officer, Malayalappuzha
- Ext.AB:** Settlement Register of Mundakkayam and Edakkunnam Estate attested by Superintendent, Central Archives, Thiruvananthapuram. (Survey Nos. from 234 to 320)
- Ext.AC:** Copy of relevant pages of Tandaper Register bearing T.P.No.807 from Village Officer, Edakkunnam

- Ext.AD:** Settlement Register of Mundakkayam Estate attested by Superintendent, Central Archives, Thiruvananthapuram (Survey Nos. from 383 to 386)
- Ext.AE:** Copy of relevant pages of Tandaper Register bearing T.P.No. 193 from Village Officer, Erumeli North, Mundakkayam
- Ext.AF:** Copy of relevant pages of Tandaper Register bearing T.P.Nos. 1772 and 1773 from Village Officer, Erumeli South.
- Ext.AG:** Settlement Register of Kaliyar Rubber Estate attested by Superintendent, Central Archives, Thiruvananthapuram. (Survey Nos. from 966 to 1462)
- Ext.AH:** Copy of relevant pages of Tandaper Register bearing T.P.Nos. 6/1060, 5/641, 5/629 from Village Officer, Kodikkulam
- Ext.AI:** Copy of relevant pages of Tandaper Register bearing T.P.Nos. 180, 123, from Village Officer, Chinnakanal
- Ext.AJ:** Copy of relevant pages of Tandaper Register bearing T.P.Nos. 733, 734, 921, 753, 744, 7510, 7511, from Village Officer, Santhanpara
- Ext.AK:** Appointment order of Sri.M.G Rajamanikam, IAS as Special Officer & Collector, Government Land Resumption in exercise of the powers conferred by section 15 of the Kerala Land Conservancy Act 1957 in respect of land held by M/s Harrisons Malayalam Ltd as per G.O. (Ms) No. 161/2013/RD dated 25.04.2013.
- Ext.AL:** Judgment in WP (C) 33122/2014 (M) of Hon'ble High Court of Kerala filed by Harrisons Malayalam Limited (HML) and persons/companies to whom they sold properties (Ambanad, Cheruvally, Boyce and Thenmala estates) questioning the order

passed by the Special Officer appointed by the Government under the Land Conservancy Act to take over the estates.

Ext.AM: Photocopy of G.O (MS) No.1172/2019/Rev/A dated 06/06/2019 that the instructions to the respective District Collectors to file Civil suits before the Civil Court on behalf of the State Government under the jurisdiction of the land where HML has acquired or acquired from them

PARA-VIII STATEMENT OF ACCUSED

A1 Sri. Vinaya Raghavan, Aged 63, S/o E P Menon, DD Bhavan, Vidhya Nagar, Kadavantra P O, Ernakulam.

He stated that he is holding the position of President of Harrison's Malayalam Ltd. since 2009. The document No. 1600/1923 in English, which was produced before the Hon'ble High Court by them is original. As per section 12 of Travancore Registration Rule when an English document produced for registration a Malayalam translation and a true copy of the document should be attached. As per Rule 54(2) English Original returned to the party after completion of registration, as per Rule 55(1) the Malayalam translation and the true copy of English document should be kept in the Office. According to this, for the registration of document No. 1600/1923, the Malayalam translation and true copy of English document were produced. On 10.10.1973 an application for attested copy of Malayalam document 1600/1923 was submitted before SRO Kollam, based on this the attested copy of document was issued on 18.10.1973. The colour Notarized copy of Malayalam document No. 1600/1923 is produced. Thereafter on 27.2.1980 an application for certified copy of English submitted before SRO Kollam and the copy was provided on 29.2.1980. The colour copy of English document No. 1600/1923 is produced. In this document 5 corrections are seen in page Nos 27, 32, 49, 52 and 53, alleged that this was not happened at the time of preparing the document. But the alleged corrections can be seen in both Malayalam and English certified copies. In Malayalam certified copy it can be seen in page No. 24, 27, 39, 42 and 43, in English certified copy it can be

seen in page No. 27,31,48,51 and 52. Another allegation about the English document is witnesses were not attested, but in the Malayalam certified copy page No. 74 and 75 it can be seen that the witnesses were signed. The stamp on the original English document Rs.46340/-, Central Depot, Thiruvananthapuram, was mentioned in the Malayalam Certified Copy page no. 76. In page No.77 and 78 of the original documents it was explained that the completion of registration procedures. In the Malayalam certified copy, it can be seen that the Court seals of Punalur for several years. Another allegation is that a foreign company should have a business in India, and the document No. 1600/1923 was prepared in a water mark paper which was a product of John Dickinson's & company a foreign company. According to Income Tax Regulation 1921, approval is given for business in India by a foreign company. In document No. 1600/1923 the extent of Ambanadu estate is 1310 acres, but when the estate was sold during 1984 the extent shown in that document was 2700 acres. For the purpose of administrative convenience, the small estates had joined together in one estate having an extent of 2700 acres. Another allegation is about the Power of Attorney No. 10/85, SRO Mattancherry by TKV Menon. He stated that the Power of Attorney No. 10/85 had not registered in Mattancherry. In this Power of Attorney, the Company had authorized Chief Executive Sri, P K Menon only for produced the document before the SRO Punalur. Such Power of Attorney need not be registered in any SRO. Another allegation is that Metric system of measurement in this state was adopted in the year 1965, but in the sketch prepared in 1923 kept in the Survey Department the measurement was Metric measurement. The Metric measurement system was adopted Vide Order No. Sy. B1-192268/65 dated 28.10.1965. In this Proceeding it was explained that along with the earlier measurement i.e., Acres, Metric measurements also recorded in the sketches. The properties mentioned in the document No.1600/1923 was purchased from different land owners and Govt. since 1908. During 1923, when the company had liquidated all the properties were handed over to another company named Malayalam Plantations Ltd as per document No. 1600/1923.

A2: Sri. Dharmaraj, Aged 67, S/o S.N Nath, MangavayalilVeedu, Puthurvayal, Kalpetta, Wayanad.

He stated that now he is holding the position of Director Harison Malayalam Ltd. Prior to this he had holding the position of Vice President Tea Division since 1999. He stated that he doesn't know the water marks in the document and where the document was it prepared. As per the document No.1600/1923 the Harrisons Malayalam Ltd has estates named Isfields, Venture, Naramala, Laha, Mundakayam, Humbha, Kaliyar, Suryanelli and Lock Hert. The estates Ambanade, Cheruvally and Thenmala division were sold out. He also stated that the he doesn't know the Maps which were produced before High Court when it was prepared. He doesn't know about the document 1600/1923 is a sale deed or a lease agreement and he knows that it was written in English.

A3: Sri. Venugopal, Aged 63, S/o Velayudhan Nair, Sreelakshmi, C2/89, Indhira Nagar, Kavanthra, Elamkulam, Kanayanoor, Ernakulam.

He stated that he was joined in HML as company executive during 1984December,now he is holding the position of Vice President (Legal). The President of the Company is Sri. Vinayaraghavan, Executive Director Sri. Dharmaraj and Chief Financial Officer is Sri. Ravi Anand. This estate was purchased from different land owners by Malayalam Rubber Produce Company before 1923. During 1923 Malayalam Rubber Produce Company was liquidated and the entire land was transfer to Malayalam Plantation Ltd. as per document No. 1600/1923 at SRO Kollam. As per Rule 12 of Travancore Regulation 1087 (1911) "if any document duly presented for registration be not in Malayalam or Tamil, the registering officer shall refuse to register the document unless it be accompanied by a true translation into Malayalam or Tamil and also by a copy of the original document". As per Rule 54(1) the endorsement and certificates referred to mention in sec. 51 and 53 shall thereupon be copied into the margin of the Register Book, and the copy of Map or Plan, if any mentioned in sec.14 shall be filed in Book I(2). The registration of the document shall thereupon be deemed complete and the document shall return to the person who presented the same for registration or to such other person, if any as he has nominated in writing in that behalf on the receipt mentioned in sec. 44. As per Rule 55(1)

when a document presented for registration U/s 12, the translation shall be transcribed in the register of document of the nature of the original, and together with the copy referred to in sec. 12 shall be filed in the registration office. Based on the said Rules it is understood that during 1923 the original document in English, its Malayalam translation and true copy of English document of 1600/1923 was produced before SRO Kollam for registration. As per sec. 54 the English original document was returned to Company after registration. Both Malayalam translation and true copy of English document is to be found in SRO Kollam. John Mackie was represented for Malayalam Rubber Producers Company Ltd. and Malayalam Plantation Company for signed in document No. 1600/1923. The document was in a high value transaction therefore with that amount ie. Rs. 46340/- was remitted the treasury as stamp duty instead of Stamp paper. The page No. 76 of certified copy obtained from SRO Kollam during 1973 it is recorded that 'ഖജനാവ് മുദ്ര 22.7.1098 അടിച്ച മുദ്രപത്രംണിക്ക് വില രൂപ നാല്പത്തി ആറായിരത്തി മുനൂറ്റിനാല്പത്'. The paper used for preparing the document No. 1600/1923 it can be seen that the water mark of John Dickson Company. From this it can understood that the Doc. was prepared in a good quality paper. As per Regulation No.VIII of 1096 the John Dickson and Company had approved for business in India by Income Tax Department. The corrections seen in the Doc. 1600/1923 in page No. 28, 33, 50, 53, 54, 55, 60 and 62 the same corrections are seen in the certified copy obtained from SRO Kollam during 1973. The land possessed by Malayalam Plantation Company, which was registered in Landon during 1921 was transferred to the Indian Company named Malayalam Plantation India Ltd. as per Doc. No.1600/1923. This transfer was done with the approval of both Reserve Bank and High Court in the year 1979. Thereafter during 1984 this Malayalam Plantation Ltd. was amalgamated with Harrisons and Crisfield's India Ltd. and the name of the Company was changed as M/s Harrisons Malayalam Ltd. Now the Company is running under RPG Group since 1989. The company has conducted several cases in the various Courts between the Govt. and individuals. He also stated that during 1980 the certified copy of English document was obtained by application. The English Original Doc. 1600/23 was produced in Sub Court Kottarakkara for OS/17/1972.

A4: Sri. Ravi Anand, Aged 56, S/o Padmanabhan, 256/C SivamVeedu, Kallara Road, Eroor P O, Trippunithura, Ernakulam.

He stated that he has holding the position of Chief Finance Officer of Harrisons Malayalam Pvt. Ltd. Company since 1996. When he was taken to this position the document No.1600/1923 of Harrisons Malayalam was in the custody of the Office. This document contained Isfield, Nagamal, Kumbha, Laha, Mundakayam, Kaliyoor, Lockhent, Suriyanelli, Boyce and Cheruvallyarea of land. In these a division of Thenmala, Cheruvalli, Ambanadu and Boyce were sold out. He also stated that the he ever seen prior document of 1600/23. The said the document 1600/23 whether it is a sale deed or lease agreement. There are several civil cases are pending before High Court of Kerala. The certified copies of Malayalam and English were obtained from Sub Registrar Office Kollam on 1973 and 1980 respectively. When the document was prepared during 1923 it was prepared in both English and Malayalam, copy of English and original in Malayalam was produced before the registering authority for registration and original in English and copy of Malayalam was returned to party after registration. As per the Registration Rule, if the document not prepared either in Malayalam or Tamil but in English one document should prepared either Malayalam or Tamil and other should prepared in English. Accordingly, the document No. 1600/1923 was prepared both in Malayalam and English so that the volume is Malayalam in Sub Registrar Office Kollam. There some corrections seen in the document No. 1600/23, which was compared with the certified copies both English and Malayalam it is found that all corrections are same in certified copies and original document of the 1600/23. He also stated that these corrections were not made by company or its officials. The certified copy of obtained from SRO Kollam during 1973 it recorded in page No. 76 that 'Treasury seal dated 22.07.98 valued Rs. 46340/-. The water mark of the paper prepared for this document was 'John Dickens' Company which is good quality paper. As per Regulation No.VIII of 1096 the John Dicken's Company had approved for business in Travancore by Income Tax Department. The corrections in page Nos. 28, 33, 50, 53, 54, 55, 60 and 62 of document No. 1600/1923 the same can be seen in the certified copy obtained from SRO Kollam during 1973.

A5: Smt. T. J. Mariyam, Age-87, W/o K.P. Daniel, Kudamadathadathil House, Pazhavangadi.P.O, Ranni, PathanamthittaDist.. (Former Sub Registrar, Punalur).

She stated that during 1985 she had holding the position of Sub Registrar. As per document No. 1008/1985 the Harrisons Malayalam Ltd. had sold 2699.97 acres to Travancore Rubber and Tea Company through power of attorney. She doesn't remember that whether verify prior document if any. She doesn't know about the survey No. which was not mentioned in the prior document was recorded in Doc. No. 1008/1985. She doesn't remember that the prior document produced for registration in English or Malayalam. The Power of Attorney given as per No. 10/85 dated 23.2.1985 of SRO, Mattancherry. She also stated that she doesn't know the whether the Doc. No. 1600/1923 is a lease or sale deed.

A6: Sri. Sreekumar, Age 67, S/o Sankaranarayana Pillai, Chandrakantam, Apartment-G/C, Skyline Orchid-1, Aiswarya lane, Muttambalam P.O, Kottayam - 4.

He stated that he was retired from service on 31.1.2007 as SRO Ettumanur. During the period from 2001 December to 2005 June he had holding the post of SRO, Peerumedu. The Doc. No. 1150/1/2004 dated 1.4.2004 was registered by him when he was working as SRO, Peerumedu. He did not examine the prior document at the time of registration. The responsibility of verifying document is both the party buyer and seller. As per the Registration Act unless it has a Court Order or Govt. Orders all registration should be done after remitting the prescribed fees. On 12.2.2001 circular was issued by Registration Dept. that the right related to registration should be examine by registering authority. Against this Circular a Judgment dated 24.4.2007 observed that "It is not the duty for the registering authority to enquire and ascertain the title to its own satisfaction under the provisions of the transfer of property Act 1882. If the transfer does not have any title or has an imperfect title to the property, the transferee on transfer will either get no title or he will get an imperfect title. This will be the prejudice of the transferee and is not of any concern to the registering authority- 2002(1) KLT 330. The prior document, that is 1600/1923 had not verify at the time of registration. When the document was registered no Court or Govt. Orders were issued for not transferring the property.

A7: Sri. G. Vijayakumar, Age -59 Date of Birth: 25.05.1961, S/o Gopinathan Nair, Vijaya Bhavan, Alayaman P.O, Anchal, Kollam (Formerly Sub Registrar, Punalur).

He stated that he was retired from service as Asst. Inspector General Chitty. During the period from 2004 to 2007 he had holding the position of Sub Registrar, Punalur. On 24.6.2005 in survey No.1/1, 1/2, 1/3, 2/4, 2/5, 2/6, 2/7, 2/8, 2/9, 2/10, 2/11 extend of 206.51 acres estate belongs to the Company was sold to Ria Resort and Properties Pvt. Ltd. for an amount of Rs. 9.5 crores and the document No. 2840/05 was registered by him. The document was signed between Sri. Venugopal, Chief Manager Legal on behalf of Harrisons Malayalam Plantation and Sri. George Maniyath John, Managing Director, Ria Resorts. At the time of the registration he had verified the prior document and plantation tax. On verification of the Doc. 1600/1923 it was registered at SRO Kollam and entered in Book No. 1, Vol. No. 10 page from 102 to 114. In part 20 of this document it was mentioned about Thenmala Estate. The registration was done based on the documents produced before him. As per the Registration Rule the examination of genuineness and rights of the property is not the part of a Sub Registrar. Therefore, he did not verify any document related to the rights of the property.

A8: Sri. N.M. Gopinathan Nair, Age 62, S/o K.P. Gopalapillai, Nelliparambil, KanjiramP.O, Kottayam. (Former Sub Registrar, Erumeli).

He stated that he was retired from service on 31.3.2007 while working as Sub Registrar Erumeli. While he was working in this Office the document No.2329/2005 was registered. This Doc. was registered between Sri. Venugopal for Harrisons Malayalam Ltd. and K P Yohannan for Gospel for Asia for the sale of 2263 acres of land W/Rs. 63 Crores. The prior documents of that property were in Kollam Sub Registrar office. After this registration as per the direction of District Registrar the copy of the prior document was demanded to SRO Kollam. But the SRO Kollam replied over phone that this document was in dilapidated condition it could not be coping. In this regard a report was sent to the Registration IG. As per the Registration Act unless it is a Court Order or

Govt. Order all registration should be done after remitting the prescribed. During 12.2.2001 a circular was issued by the Department that the registering should verify the documents related to the rights of the property. Against this circular a High Court Judgment dated 24.4.2007 was pronounced. In this Judgment it is mentioned that "It is not the duty for the registering authority to enquire and ascertain the title to its own satisfaction under the provisions of the transfer of property Act 1882. If the transfer does not have any title or has an imperfect title to the property, the transferee on transfer will either get no title or he will get an imperfect title. This will be the prejudice of the transferee and is not of any concern to the registering authority- 2002(1) KLT 330". While registering this document he never verifies the prior document.

PARA- I X DISCUSSION OF EVIDENCE

Smt. Susheela R. Bhatt, (W1) was appointed as Revenue Special Government Pleader in the High Court of Kerala from 2011 to 2016. During that time, she came across some reports on Harrisons Malayalam Limited. Based on this she had filed a writ petition before the High Court of Kerala, as OP No. 3508/2011. During the course of the trial the Hon'ble High Court ordered to produce the survey records and the records in connection with the document No. 1600/1923 of Sub Registrar Office (SRO), Kollam. The document produced by the Sub-Registrar in Malayalam was in a state of dilapidated condition and was not readable. In the Map presented by the company the unit of measurement was 'Hector' prepared in 1921, but the Hector measurement was come into existence from 1966 only. So, she strongly suspects that the map was fake. On perusal of the document No. 1600/1923 so many discrepancies were noticed.

Based on this, Smt. Susheela R Bhatt addressed to the Principal Secretary to Government, Revenue Department, Govt. Secretariat, Thiruvananthapuram requesting a detailed enquiry regarding the authenticity of litho maps in respect of the survey maps, Settlement Registers as depicted in the Document No.1600/1923 containing 25,630 Acres of land. The Principal Secretary, Revenue forwarded the same to the Director, Vigilance & Anti-Corruption Bureau to conduct a Vigilance Enquiry.

The Director, VACB in turn forwarded the same to the Superintendent of Police, Vigilance & Anti-Corruption Bureau, Special Investigation Unit – II, Thiruvananthapuram. Accordingly, Sri. Nandhanan Pillai, Deputy Superintendent of Police, Special Investigation Unit – II, Thiruvananthapuram was conducted the enquiry and submitted the enquiry report (Exbit:A).

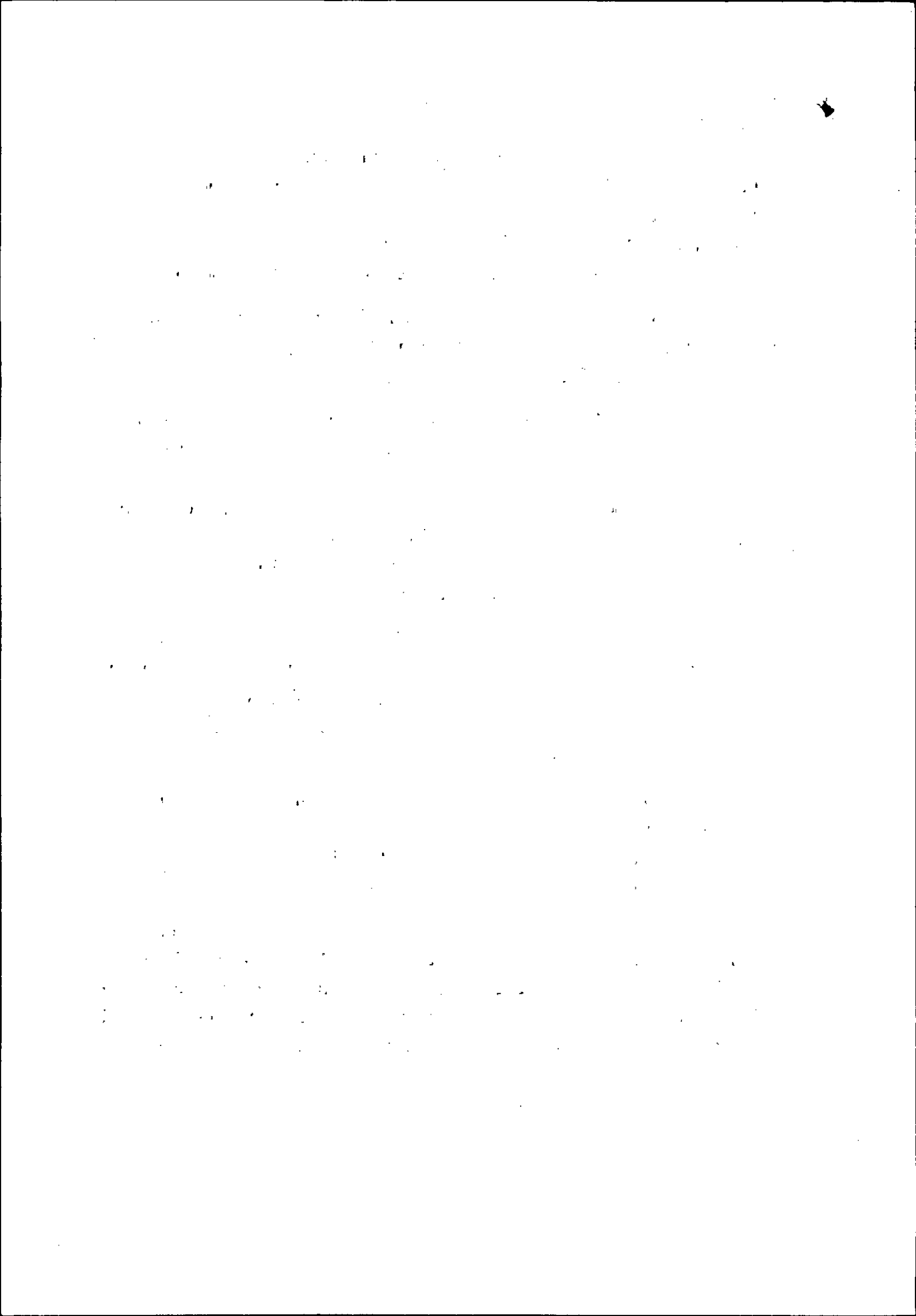
The Enquiry Officer has reported that the Indenture Document No.1600/1923 in English kept with the authorities of Harrisons Malayalam Ltd. is a forged Document. The findings in the enquiry report are: -

1) The document in English produced by the Company, the vendor company is "The Malayalam Rubber and Produce Company Ltd.", Great Tower Street, London and the purchase company is "Malayalam Plantations Ltd.", Great Tower Street, London. The addresses as per the document for the two companies are one and same except the title name. As per the so-called document produced by the Company, the document was seen signed by John Mackie on behalf of the vendor company and for the purchaser company.

2) The document starts with the words "THIS INDENTURE" that means a type of contract in the past that forced a servant or apprentice to work for their employer for a particular period of time [as per the Oxford Advanced Learners' Dictionary of Current English.] The word 'Indenture' is an Anglo-French word means "Karar" in Malayalam.

3) On perusal of the original, it is seen that the document is seen written in a quality paper with emblem and a watermark in the name of "John Dickinson Company". In appearance itself and the quality of the paper created suspicion that this is a forged document prepared in England.

4) The original document was in Malayalam, Book No.I, Vol. 10, Pages 102 to 142 of the document No.1600/1923 executed on 24.02.1098 M.E (Malayalam Era). On perusal of the so-called original document the endorsement is seen written in Malayalam. But the so-called copy of the document in English, the above page certification is seen on the top of the facing sheet and is seen missing in many of the pages.



- 5) The Thumb Impression Register in respect of the document 1600/1923 was perused and revealed that the vendor was John Mackie and his signature was also seen in the Register. The name was seen written in Malayalam and the signature was in English.
- 6) In the English copy there is no mention about the authority of the document. In Page No.13 the date of the document is seen written as 27.02.1098 M.E. and in Page No.35 & 45 the date is seen written 28.02.1098 M.E. In the last 2 pages the Page Certification is seen furnished as 53/53; that means the document contains only 53 Pages. The Document produced by the company contains pages 1 to 106.
- 7) As per the Transfer of Properties Act 1882, witnesses have to be signed in the relevant place of the document as witness. But it is pertinent to note that no witnesses are seen signed in the said document in the relevant place as mentioned in the above said Act.
- 8) As per the Stamp Act 1905, there is no provision for embossing process, but in the document produced by the company seems against the provisions of the Stamp Act 1905 as the stamp value is levied through the embossing process.
- 9) The genuineness of the diamond-shaped seal present on the document cannot be verified because the embossing seals before 1947 are not available in the office of Central Stamp Depot. As part of enquiry, many documents registered before the regime of Sree Chithira Thirunal Balarama Varma in Travancore were verified and found that the Stamp papers used before the regime of Sree Chithira Thirunal Balarama Varma was of Oval shape having the mark of 'conch' at the centre of the stamp impression. During the period of Sree Chithira Thirunal Balarama Varma a rectangle-shaped stamp paper having the photo of Maharajah ChithiraThirunal at the centre was used in the documents registered during that period. From these aspects it is very well said that the forgery was committed by the company for creating the English document No.1600/1923.
- 10) SOs 1 to 4 in their capacity as President, Executive Director, Vice President (Legal) and Secretary of the Company had fabricated a Document in English as Doc. No.1600/1923 of SRO, Kollam and used the same as genuine and executed

THE [illegible] OF [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

4 sale deeds from the document knowingly that the authority as per the document is Leasehold/Freehold and they have no authority to execute a sale deed. The registration of four Documents (AmbanadDoc.No: 1008/1985, SO5), (CheruvallyDoc.No: 2329/2005, SO6), (Riya Doc.No:2840/2005, SO7) and (Boyce &Peruvanthanam Estates Doc.No:1150/2004, SO8) involved in the property in Doc. No.1600/1923.

11) As per the last page of the forged document one correction is seen duly attested by John Mackie in respect of Page No.55, line 16 by inserting Survey No.904-1A in between 889-1-2 and 904-2A. The other corrections in the so-called document are not made at the time of preparing the forged Document in English. The other corrections as per the document are indented to extend the area of the company by adding new survey Nos. to amass more area.

12) Rule 67 of the Registration Rules, 1958 states that "It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attempt to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document." By misusing the provisions of the Registration Rule, with the connivance of the Sub Registrars M/s. HML had executed 4 sale deeds by using the forged document for lease (freehold/leasehold) in respect of Ambanad, Cheruvally, Riya and Boyce & Peruvanthanam Estates.

13) The Ambanad Estate, it was seen purchased by Travancore Rubber and Tea Company on as per Document No. 1008/1985 dated 08.03.1985 of SRO, Punalur on the basis of a Power of Attorney registered as Document No.10/85 dated 23.02.1985 at Mattancherry Sub Registrar's Office in the name of T.K.V. Nair, for and on behalf of Sri. Panangattu Kochu Krishna Menon. For executing a sale deed on the basis of a forged document by quoting a bogus Power of Attorney as 10/85 of Mattancherry Sub Registrar. The document No.10/85 (Sub Registrar, Mattancherry) is a chitty document in the name of Robert Bristow Memorial mutual benefit fund. The Notices sent to T.K.V. Nair and Panangattu Kochukrishna Menon were returned un-served creates more suspicion regarding the execution of the document by forging another document to enable the registration with a Power of Attorney in the name of T.K.V. Nair. From the

above discussion it can be concluded that T.K.V.Nair and Panangattu Kochukrishna Menon are two imaginary persons created by the company for quoting a bogus document to register a forged document.

14) Contradiction in the document 1008/1985 was that the total area as per the previous forged document 1600/1923 is 1310.13 acres. The area as per 1008/1985 is 2699.97 acres. The difference in the area was adjusted by taking survey numbers from Aryankavu Village. Regarding the survey numbers mentioned in 1600/1923 it is seen outside of the settlement register since the settlement register was closed as per survey No. 874-1-2-3. As per 1600/1923 the survey nos. included in Thenmala Village are 880/1 to 25, 888, 889 and 892. As per Doc. No.1008/85 the survey nos. in Thenmala Village are 880/1 to 25, 878/13 Pt. and 888. Sri. S. Lambodaran Pillai, Tahasildar Pathanapuram stated that the settlement survey numbers above 874 are seen fabricated.

15) As per Sec. 84 (1) of the Kerala Land Reforms Act, 1963 "Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected after the date of publication of the Kerala Land Reforms Bill, 1963, in the Gazette (01.04.1964) shall be deemed to be transfers calculated to defeat the provision of this Act and shall be invalid." Against the provisions of the Sec. and by suppressing the Ceiling case four sale deeds are executed by the company in the name of Ambanad, Riya, Cheruvally, and Boyce & Peruvanthanam Estates. The following wordings in the sale deeds of Cheruvally, Riya and Boyce revealed that there is an intentional suppression from the company regarding the pending of ceiling case before the land board and Hon'ble High Court of Kerala.

16) The provisions of Sec.83 of the Kerala Land Reforms Act came into force on 01.01.1970 (as per Notification No.5/70) states that "No person to hold land in excess of the ceiling area. As per the provisions of Land Reforms Act 1963, a foreign company is not entitled to file a ceiling return claiming holding and possessing properties in Kerala. There is no mention about a foreign company within the ambit of the provisions of the KLR Act, 1963. A foreign company does not come within the ambit of the provisions of the Act. By violating the KLR Act the foreign company by name 'Malayalam Plantations Ltd. (UK) filed a Ceiling return before the Secretary, Land Board on 04.04.1972. The FERA

came into force in India in 1973 and as per the provisions of FERA, a foreign company is not entitled to acquire and hold any property in India. Instead of rejecting the application of a foreign company, the Vythiri Taluk Land Board authorities illegally approved their claim over 59623.50.500 acres of land in Kerala. From the above, it is proved beyond doubt that the intention of the foreign company in sum total is to defeat the provisions of the KLR Act, 1963.

17) On the strength of the forged Indenture Document and by the registration of the subsequent forged documents mentioned above, illegal entries were made in the Revenue and Survey records with the help of officials and others and as a result of the above, the Government land was sold and the officials of Harrisons Malayalam Ltd. obtained pecuniary gain of Rs.106.76 crores and the Government has sustained a corresponding loss of Rs.106.76 crores.

In addition to this, there are several violations in the Estate Maps, Settlement Number of Old Pathanapuram Taluk,

Estate Maps

During the British regime in Travancore while registering a document, the person who is producing the document should furnish a copy of the Map along with the document for registration to identify the property mentioned in the document. Copy of the Estate Map attached to the Isfield Estate in Thenmala Village is taken and on perusal, it is seen that the copy of the Estate Map in the name of Isfield Estate is seen signed by John Mackie who produced the document for registration. A comparative study of the estate maps received from the office of the Central Survey, Thiruvananthapuram and the copy of the estate map taken from the document registered at Sub Registrar's Office, Kollam revealed that the two estate maps in the name of Isfield estate are tallying except the signature of John Mackie and the Hectare system of measurement seen in the maps received from the Central Survey Office (CSO). The survey symbols having statewide approval and the points of identification are seen tallying. On perusal of the maps it is well evident that the Hectare system was added later by the officers of CSO after deleting the signature of John Mackie. The reason behind the authorization of estate maps kept at the office of the Central Survey,

TVPM is that the estate maps are prepared during 1910's by a foreigner to protect the interest of a foreign company. By using the estate maps, prepared and produced by a foreigner, and using the same as genuine by the Central Survey officials has committed an irreparable mistake.

Settlement Number of Old Pathanapuram Taluk

As per the Settlement Register of Thenmala (Old Pathanapuram Pakuthi) it is seen that the Settlement is seen closed in Survey Nos. 874/1, 2, 3. The one and only condition for reopening the Settlement Register is by opening a Settlement 'C' Register in a situation where the forest area converted for tea, coffee, rubber etc were maintained as "Hill Circuits" and were entered in the 'C' Register which is a register to note down the lands assigned as per special grant rules. This means that such lands were not included as part of regular Tandaper lands at any point of time in the past even though they may be assigned with Survey Numbers. On perusal of the Basic Tax Register (B.T.R.) and Tandaper Register (T.P.R.) of Thenmala Village, Survey Nos. 875 to 892 are seen used for entering the properties of Harrisons Malayalam Ltd. without maintaining a Settlement Register or a Settlement 'C' Register in the prescribed Performa. The Superintendent, Central Archives, as per Letter No.1044/2012 CA dated 26.04.2013 reported that the Settlement Register of Pathanapuram Pakuthi is seen closed with the survey no.874/1,2,3 and the total area of the Pakuthi is 85,951 acres out of which 60,709 acres are of forest comprised in Survey No.872/1. As per the estate map produced in respect of Survey No.872/1 is seen marked as the boundaries of the properties of Harrisons Malayalam Ltd. and that means the properties in Sy. No.875 to 892 is the properties taken from Sy. No. 872/1. As per the settlement Register the ownership of the properties belongs to 'Pandavaka Sreepandarakkaryam Chaivarkal' i.e. the property of the Government.

Based on the findings in the Enquiry Report a vigilance case was recommended against the Suspect Officers 1 to 8 U/s 13 (1) (c) (d) (ii) r/w 13(2) of PC Act of 1988 and 406, 409, 468, 471 & Sec. 120 (B) of IPC for creating a forged Indenture in respect of Doc. No. 1600/1923 of SRO, Kollam, producing the same as genuine by executing four sale deeds without proper authority,

quoting a bogus Power of Attorney in the name of T.K.V. Nair as per Doc. No. 10/85 (SRO, Mattancherry) and forging the forged document by adding more survey numbers. The Suspect Officers 5 to 8 in their capacity as Sub Registrars had executed the sale deeds on the basis of the forged document without proper verification of the prior documents, extent and survey numbers.

The Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram have accorded sanction to register a case against the Suspect Officers 1 to 8. Accordingly a case in crime 9/2013 SIU-II, U/s 13(1)(c)(d)(ii) r/w 13(2) of PC Act of 1988 and 406, 409, 468, 471 & Sec. 120 (B) of IPC was registered by Sri. Syamkumar, Deputy Superintendent of Police, SIU-II, VACB on 01.11.2013 (**Exbit: B**). The case was investigated by Sri. Syamkumarduring his investigation, the officer seized Exhibits G, H and R and questioned W3, W4, W5, W11, W20 and W21. Sri. Syamkumar was transferred from this office and I took up and continued investigation of this case, questioned W1, W2, W6, W7, W8, W9, W10, W12 to W19, W22 and W23 and seized Exhibits Q, Q1 and S, completed the investigation and prepared the Factual Report.

On 07.11.2013 A1 to A4 appeared before the Hon'ble High Court of Kerala and filed a Bail Application No. 7614 of 2013 for seeking anticipatory bail. The application for bail was granted with conditions that; (1) The Applicant (A1 to A4) appears before the Investigation on 19.11.2013 and on 26.11.2013 at 10.00 AM and thereafter as and when required, (2) The applicant shall not intimidate or threaten any person from disclosing the facts known to him to the Investigation Officer or Court, (3) The applicants shall not leave India without previous permission of the Court concerned (4) The applicants shall not tamper or attempt to tamper with the evidence of the case and shall not influence or try to influence the witnesses (**Exbit: C**).

During the course of the investigation, A1 to A4 filed a Criminal M A. 10843/2013 in CrI. M.C No.6447/2013 before the Hon'ble High Court of Kerala praying to stay all further proceedings in Crime 9/2013/SIU-II. On 19.12.2013 the Hon'ble Court ordered an interim stay for a period of one month. On 13.01.2014 a statement of facts filed before the Hon'ble Court to vacate the stay

and raised a suspicion of forgery committed by the respondents in the CrI. M.C 6447/2013 **(Exbit: D)**. The Judgment dated 20.10.2014 of the Hon'ble Court that the CrI. MC No. 6447/2013 was dismissed and, in the Judgment, it is pronounced that 'the interim order of stay is vacated' **(Exbit: E)**.

Based on the Judgment dated 20.10.2014 the investigation was restarted. On 28.01.2015 a notice, U/s 91 CrPC was issued to A1, Vinaya Raghavan for producing the Document No 1600/1923 in English, stated to be original deed of the Harrisons Malayalam property before the Investigation Officer.

Pursuant to the notice dated 28.01.2015 an I.A. had been filed as I.A. No. 1569/2015 by the company seeking a stay of the operation of the said proceedings before the Hon'ble High Court of Kerala. Based on the Counter Affidavit filed by the State, an order had been passed by the Hon'ble Court in I.A. No. 16940/14 in W.P (C) No. 33122/14 dated 5.2.2015, the Hon'ble Court had passed the following order: -

"It is open to the respondents to approach the Registrar General and take custody of the original document for the purpose of verification and investigation and to have it returned in the due course".(Exbit: F)

Accordingly, the original document No. 1600/1923 was handed over to the Registrar General of the High Court of Kerala by the company on 5.2.2015. As part of the investigation an application was submitted before the Registrar General requesting that the alleged document was required for the purpose of investigation. Based on the application Document No. 1600/1923 of SRO, Kollam was handed over to the Investigation Officer on 18.2.2015 from the Registrar General of High Court of Kerala with proper acknowledgment receipt. An inventory was prepared for the seizure of this Document and it was submitted before the Hon'ble EC&SJ, Thiruvananthapuram on 19.2.2015. The original document was retained in this office for the purpose of investigation. **(Exbit: G)**

On 6.3.2015, as per the request of the Investigation Officer W6, Sri. Padmarajan(W2), Sub Registrar, Kollam produced the Volume Register Vol.10 Book No. 1 Kollam 1098 M.E (Dilapidated and grinded pieces of paper

(Exbit:H), Thump Impression Register of 18.06 98 M.E to 7.9.98 M. E, which contained Doc. No. 1319 to 1934, Lr. No.65/15 dated 5.3.2015 of SRO, Kollam and the seal of Sub Registrar, Kollam, which is used during the period 1923 (MO1). All these documents and M O were seized as per inventory on 6.3.2015 and produced before the Hon'ble EC&SJ Court Tvpm.

On 23.9.2015 a report along with the forwarding note and a standard requisition form were submitted before the Hon'ble Court EC&SJ Court Tvpm for scientific examination of the English Indenture Doc. No. 1600/1923 at the FSL which is purportedly registered at SRO, Kollam on 24/7/1098 M.E contained 53 sheets (pages 1 to 106) and seal used by the SRO, Kollam during the year 1923. On 30.9.2015 the same was forwarded to the Director, Forensic Laboratory and acknowledged by a receipt from FSL vide Receipt No B2-9044/2015 dated 30.9.2015.

As part of the investigation W3, Sri. Sunulal, Lower Division Clerk of SRO, Kollam and W2, Sri. Padmarajan, former Sub Registrar Kollam was questioned, According to W3 the document No.1600/1923 was registered in the Kollam Sub Registrar Office. As per the Filing Volume it is registered in Malayalam language. The document was filed in Book No. I, Vol. 10 of Kollam SRO. As per the page No. 94 of Thump Impression Register 1098 M.E, Vol. III, serial No. 1319 to 1934, the seller of the property vide the document No. 1600/1923 was one John Mackie. Though the signature of the seller is seen in the register, but his thumb impression has not been taken, but it was certificated that 'he is personally known' and signed by the Sub Registrar dated 24.02.98 M.E. When the seller is personally known to the Sub Registrar the Thumb impression is need not taken, but the certificate to that effect is written and the signature of the seller is countersigned by the Sub registrar.

W2, produced the attested copies of pages 93, 94, 95 of 3rd volume of Thumb Impression Register, the Book No.1, Volume No.10 of Sub Registrar Office Kollam and the seal which was used during the period 1098 ME. Of these the document Volume is in dilapidated condition due to its ageing and it is seen bundle of paper pieces. Of these pieces it can be seen that the narration of document No. 1600/1923.

W4, Sri Sasidharan Nair, former District Registrar Kollam stated that as per Rule 12 of Travancore Registration Regulation Act 1087 ME, a document presented for registration, which is not prepared in Malayalam or Tamil, without its translation, it should not be registered (**Exbit:J**). Moreover, said provision specified that the true copy of the original document would also be produced. He has also stated that when a document is produced for registration the contents should be recorded in the Register and the copy of the same should be filed. The thumb impression of the party should be taken on the date of registration. The document No. 1600/1923 was prepared in 8.3.1923 AD; the Malayalam Era of the date is 24.7.1098.

W5, Sri. Neelakanda Sharma, a retired Asst. Inspector General (Registration) stated that while holding the post of Principal Sub Registrar Kollam, he verified the Filing Volume which includes the document 1600/1923, it is found that the document was in a dilapidated condition. On verification of the Thumb Impression Register 1098 M.E of SRO Kollam, in page No. 94 seven thumb impressions were taken, among those against the document No.1600/1923 one John Mackie was signed and it was certified that "personally known" by the Registering Officer with his signature and date on 24.7.98 (ME). The document 1600/1923 is in English language, it is understood that it was presented for registration at 2.15 PM on 1098 Kumbam 28 (8.3.1923 AD). The date of registration certificate in the document is 28.07.1098 M. E, but in the page of this document it is seen that the dated is 27.7.98 except the pages 35 and 45. Therefore, it is seen that the registration certificate is written one day before its presentation date. On perusal of the document it is seen that one John Mackie signed for and on behalf of Malayalam Rubber and Produce Company, Liquidator John Barren, and for Malayalam Plantation Ltd. Company. An endorsement should not be recorded in Malayalam language in a document which is prepared in English language. As per Rule 100 of the Registration Rule 1908 the Registering Officer shall ordinarily write the endorsement on document in the language in which it is written or a translation thereof is presented. The writing shall be in one page of the document presented for registration. In this document shown to him it is seen that the Sub Registrar initialed in the bottom of the intermittent pages. The Sub Registrar should record the page certificates.

The registration certificate shall be recorded in the back side of the document and also should be in the middle of the page. But the document shown to him bears the certificate recorded at the top of the document. This document starts with the word 'Indenture' which means 'Contract or Agreement'. On a reading of the document the details regarding the prior document is not clear. Though there are the names of two witnesses in the last page they were not seen signed.

A report was sent to the Hon'ble Court of EC&SJ, Thiruvananthapuram stating that the records seized as per inventory is in a dilapidated and torn condition due to its oldness and so not able to examine the documents. Hence these documents are to be preserved scientifically and copied its contents in to a digital drive. The Archives Director is the authorized person to do the job but as per the Registration Act, the Inspector General of Registration is the legal custodian of the above said documents. Hence the Hon'ble Court may take necessary steps to transfer the above said document to the Archives Director through Inspector General, Registration. An order of EC&SJ Court Tvpm dated 18.3.2015 it was instructed to the Inspector General, Registration for collecting the old records for sending the same to the Central Archives, Tvpm for scientific preservation. Based on this the records were handed over to Inspector General, Registration.

On 15.5.2015 a notice was issued to Sri. Vinaya Raghavan (A1) for producing copy of Annexure-E (Certified copy of Malayalam Doc. No. 1600/1923) in the CrI. M.C.6447/13 filed before the Hon'ble High Court of Kerala by the Company. In response to this notice, A1 was present before the Investigation Officer, questioned him and recorded his statement. He also produced the copy of the Notarized colour certified Malayalam copy of document No. 1600/1923 issued from SRO Kollam on 10.10.1973 and Notarized colour copy of the certified English copy of document No. 1600/1923 issued from SRO Kollam on 29.2.1980.

On perusal of the certified color photocopies of Malayalam and English document it is seen that the documents were attested each page by Adv. C. Devanand(W6), Notary, Register No. 5/2001/EKM, Kanayannur Taluk on 19.05.2015. The Malayalam certified copy was issued by Sri P V Padmanabhan,

SRO, Kollam on 18.10.1973 and it was prepared and examined by one Subair, the then Clerk and compared by one Seethalakshmi, the then Clerk. The English certified copy of English was issued by Sri P Ramakrishnapilla, SRO, Kollam on 29.02.1980 and it was prepared and examined by one Leelamoney, the then Clerk and compared by one Lakshmikutty, the then Clerk.

According to W6, Advocate and Notary Sri. Devanand, the certified copies of document No 1600/1923 which shown to him is related to properties of Harrisons Malayalam Ltd. Of these, English document was issued during 29.2.1980 and the Malayalam was issued during 18.10.1973 from SRO Kollam. Both certified copies were presented before him for notary attestation. He had verified and examined the originals with these color photocopies and attested and affixed seals in each page on 19.5.2015.

W7, Sri Johnson he stated that now he is working as Amalgamated SRO, Kollam. The Certified copy of Malayalam document, which is shown to him was prepared on 18.10.1973 and it was examined by one Subair, the then Clerk and it was read and compared by one Seethalakshmi, then Clerk. That copy was signed and issued by the then SRO Padmanabhan. He also stated that he doesn't know whether they are alive. The Certified copy of English Doc. No.1600/1923, which is shown to him is prepared by one Leelamoney, the then clerk and it was compared by one Lakshmikutty, the then Clerk. The copy signed and issued by P. Ramakrishnapilla, the then SRO, he is not alive now. The old applications for certified copies and details regarding the receipts and issue of copies are not available in this office.

As part of the investigation W8, Smt. Lakshmikutty and W9, Smt. Leelamoney were questioned and recorded their statements. According to W12, she stated that during 1980 she had been working as Upper Division Clerk at SRO, Kollam. The signature against, the copy read by Lakshmikutty, in the certified copy of document No. 1600/1923 which is shown to her, she has identified the signature as her own signature. This certified copy is prepared by one Leelamoney who worked along with her at that Office. Sri. Ramakrishnapilla was the then Sub Registrar. The certified copies are prepared by copying from filing volume. She also stated that the certified copies cannot

be prepared any other way. She signed in certified copies only after compared with filing volume.

According to W9, Smt.Leelamoney, she stated that during 1980's she was working as LDC at Sub Registrar Office Kollam. The certified copy of 1600/1923 which shown to her was prepared and examined by her and attested in the last page of the document. This certified copy was copied from the related filing volume. If the filing volume is in English the copy should prepare in English.

In pursuant to the Order of Hon'ble High Court of Kerala dated 13.4.2018 in IA No. 7372/2018 in IA No. 16940/2014 in W.P(C) No.33122/2014(M) a letter dated 25.04.2018 and copy of Order dated 13.4.2018 was received from Sri. S.B Premachandra Prabhu, Special Govt. Pleader, Advocate General Office, Ernakulam was received at the SIU II office (**Exbit:K**). In this Order the Hon'ble High Court directed to produce the original document No 1600/1923 before High Court of Kerala on or before 30.05.2018. In this connection a report was submitted before the Hon'ble EC&SJ, Tvpm for granting direction to collect the Doc. No1600/1923 from FSL.

The original Doc. No.1600/1923 was produced before the Hon'ble EC&SJ Tvpm by the Director, FSL after completing the examination of the document. A report No. AS-104/15 dated 12.06.2018 was also filed along with the reason (**Exbit:L**). This document was collected from Hon'ble EC&SJ Tvpm and an affidavit was filed before the Hon'ble High Court to direct the production of the document. Based on this an Order dated 3.6.2018 was passed by the Hon'ble High Court that "the document produced before the Registrar General of this Court, who shall keep it in safe custody and it shall not be released, unless by order of this Court". In pursuant to this order dated 3.6.2018 the Original Document No. 1600/1923 was produced before the Registrar General, High Court of Kerala with proper acknowledgement on 09.07.2018 (**Exbit:M**). The acknowledgement was produced before the Hon'ble EC&SJ Court Tvpm on 18.7.2018.

On 21.6.2018 a report was submitted before the Hon'ble EC&SJ Court Tvpm requested that to return the reconstructed document Register Vol. No. 10, Book No. 1 (Kollam M.E. 1098) which was seized from SRO, Kollam on 6.3.2015. Based on the report the Hon'ble Court passed an Order to return the document. On 03.07.2018 the reconstructed document was collected from the Hon'ble Court (**Exbit: N**).

According to W7, Sri. Johnson the Volume file of Document No.1600/23 was seized by V&ACB for the purpose of the investigation. The English copy Doc. No. 1600/1923 was recorded in File Volume No. 21/1098 M.E which was missing from the record room. When a document is registered in English language, its translation that is Tamil or Malayalam in original and copy should also be produced along with English document at the time of registration. If the document is prepared in English language the Malayalam document added in the Volume and the English document added in File Volume. The document in English added in File Volume is known as Memo File. The book shown to him is a Volume in a dilapidated condition which was seized and re-assembled by V&ACB.

In order to find out the missing File Volume No. 21/1098 M.E of SRO, Kollam a search is required to conduct to seize the document. In this regard an application was submitted before the Hon'ble EC&SJ Court, Tvpm. The search was ordered by the Hon'ble Court on 12.10.2018. On 15.10.2018 the search was conducted at SRO, Kollam in the presence of W14 and other witnesses. The Memo File Volume No. 21/1098 M.E or any other records related with this case could not be found out.

The statement of W1, Smt. Susheela Bhatt was recorded, she stated that during 2004 to 2007 she was appointed as Special Govt. Pleader in High Court of Kerala. During 2011 to 2016 she was appointed as Special Govt. Pleader for Revenue. During that period, she had to read some reports regarding M/s Harrison's Malayalam Ltd. Based on this she had filed a writ petition before the High Court, OP No. 3508/2011. During the course of the trial the Hon'ble Court had ordered to produce the survey records and the records in connection with the document 1600/1923. The document prepared in Malayalam which was

produced by the Sub Registrar was in dilapidated condition cannot be readable and it compared with. The Map produced by the company the unit of measurement was 'Hector' prepared in 1921, but the Hector measurement was coming into existence since 1966. So, she strongly suspects that the map was fake. On perusal of the document No. 1600/1923 so many discrepancies were noticed. Based on this a letter was sent to Govt. for conducting a Vigilance Enquiry.

On questioning of W10, Sri. Sasidharan, a retired Asst. Director, Mapping, stated that he was summoned by Smt. Susheela Bhatt, former Govt. Pleader to her office for a discussion about Litho Map related to Harrisons Malayalam. A discussion had been done with the Litho Map contained survey No. 874, 875 and 335. There was no department seal in the said Litho Map. As per the Survey Manual, the Topological details, usually marking in Litho Map and Survey Sketch are 49 items. But some marks, which were not included in the Survey Manual was seen in the said Litho Map. The method of preparing of a Survey Map is described in Chapter VIII and IX, Part II of the Kerala Government Survey Manual. During 1920 the Kerala Non-Metric system was adopted in Survey Maps. The Hector system was implemented vide Order No.Sy.B1-192268/65 dated 28.10.1965, there is a provision that wherever a fresh sub division has to be created according to the provisions in the Rules issued under the Kerala Survey and Boundaries Act, 1961 the existing sketch of that field should be reported first in metric units by the Village Assistants or Surveyor attending the sub division work. The new sub division should then be measured in metric units and shown in the sketch in red ink. **(Exbit:P)**

During the course of the investigation W11, Sri. Nishad and W12, Sri. Gopakumar were questioned. According to W7 he is working as Special Tahasildar (LA) International Airport, Thiruvananthapuram, in addition to this he is holding the additional charge of Central Stamp Depot, Thiruvananthapuram. If a large amount registration fee is required, the amount is remitted to the Treasury and an application along with required papers will present before the Depot. The required amount for registration is franked in the paper. Any kind of paper can be produced for this purpose. He also stated that

the authenticity of Mudra and seal embossed in the document 1600/1923, which is shown to him cannot be commented anything. Now the seal used in Central Stamp Depot is deferred from the seal embossed in the document 1600/1923.

According to W12, he is working in stamp manufacturing factory of the Archeological Department as Deputy Superintendent. As per the records in this office the seals affixed in the document which shown to him is not now in the possession of this office. The age-old seals and coins were received from other offices is kept in this office after proper accounting. But on verification of the register concerned with this office the seals affixed in the document No. 1600/1923 is not available.

On examination of the FSL Report No. As-104/15 dated 12.6.2018 it is understood that the examination was conducted by (W13) Smt. Aparna. S, Assistant Director (Document). On questioning of Smt. Aparna, she stated that on 30.09.2015 as per letter No. 9/13/SIU-II/ECJ dated 29.09.2015 of EC&SJ Court the seal and document were received for examination. The questions 1 to 6 as per the forwarding note attached to this document was examined and a report No. AS104/15/ dated 12.06.2018 was submitted before the Hon'ble EC&SJ Court Tvpm. The 2nd para of the report says that Q1 to Q8 "the entries marked Q1 to Q8 contains writings made by subsequent addition, insertion and or alteration by overwriting using an ink different from that of the neighboring entries and that must have been written not in a continuous process". The 3rd para says that the seals (Q1 to Q61) seen in the questioned document were compared with the impression taken from the standard seal, but it cannot be sure to say that the seal impression in the questioned document is from the standard seal. The 4th para says that the item No. Q62 whether the impression of Travancore Government is embossed? On examination of the Q62 there no clear characteristics of embossing. In para 5 says regarding the ageing of the document but the ageing of a document cannot be ascertained scientifically.

During investigation the File Volume and Certified copies of both Malayalam and English Doc. No. 1600/1923 were examined and compared with the colour photocopy of Doc. No. 1600/1923 in the presence W14, Sri. Sabu, Deputy Inspector General (Registration), Thiruvananthapuram, W15,

Sri.Sasidharan Nair, an experienced document writer and W16, Sri. Mukundhan Pillai, retired Deputy Secretary, Revenue Department, Govt. Secretariat.

According to W14, W15 and W16 they stated that on examination of the colour photocopy of the English Indenture Document, it is registered during 1923 at Kollam Sub Registrar Office. This document has a seal inscribed on the top of the first page. In this seal it is engraved that "Rupees 46340" in the middle, and its top and bottom written in English and Malayalam that "Travancore Government" and it is seen in a diamond shape. After the document is created, the document will be engraved on the front page of the document if the value is more than a certain amount. In the first page, it is seen that a seal affixed belongs to Central Stamp Depot, Trivandrum dated 22.7.98 at left side of the bottom. From the above it is understood that this document was prepared in Malayalam Era 22.07.1098 and an amount of Rs. 46340/-was engraved at Central Stamp Depot, Trivandrum in the document. When creating a document, the error should be recorded on the last page of the document, accordingly the errors on pages 9 and 54 were recorded on the last page of this document and that this was certified by the sub-registrar Kollam. Behind the 1st page of this document it is noted that the document was produced for registration at the Kollam Sub Registrar Office on 28th Kumbam 1098 ME at 2.15 hrs by Attorney John Mackie who was authorized by Malayalam Rubber and Plantation Company. Below this lines Sub Registrar Kollam certified that he personally known this John Macy and signed with date. This English Indenture document cross checked with English and Malayalam certified copies. This English document started with a word "This Indenture". In this document it is seen that some corrections and overwriting in page Nos. 28, 33, 50, 53, 54, 55, 60, 62. Each of these corrections, one by one is examined with Malayalam and English certified copies of document 1600/1923. The certified copies were obtained from SRO, Kollam on 18.10.1973 and 29.02.1980 respectively. On page No.28, line 16 of the English Indenture appears to have been written more as the survey numbers '411'. On comparison with Malayalam certified copy it is seen that in page No. 24, line 8 the survey No 411 is written and it is seen in English certified copy in 27th page, lines 10 and 11 the survey No. 411 was written. In page No. 33, line 8 of the English Indenture 'being are survey No. 874/1,2,3' is

seen look like a different hand writing. The same line is seen in the Malayalam certified copy page No. 27, line 17 as 'ഈ അതിർത്തികളുള്ള ഉൾപെട്ടതും സർവ്വേ നമ്പർ 874/1,2,3 എന്ന നമ്പറിൽകൊണ്ടതായ'. In the English certified copy, it is seen in page No. 31, line 16 as 'being are survey No. 874/1,2,3'. Like that the last line in page No. 50 of the English Indenture it is seen written in a different hand writing that 'The above lands are bounded on all sides by government land'. The same line seen in the Malayalam certified copy in last line of page No. 39 that 'മേൽപറഞ്ഞ ഭൂമിക്ക് തെക്കും വടക്കും പടിഞ്ഞാറും കിഴക്കും ഗവൺമെന്റ് ഭൂമിയാൽ ചുറ്റപ്പെട്ടിരിക്കുന്നു'. In the English certified copy it is seen in last line of the page No. 48, that 'the above lands are bounded (damage)'. In page No. 53, lines 15 and 16 of the English Indenture 'and another area of 26 acres and 80 cents also included in the above boundaries'. Some part of the line is seen written in a different hand writing. In Malayalam certified copy it is seen in the last line of page No. 42 that 'മേൽപറഞ്ഞ ഭൂമിക്ക് 26 ഏക്കർ 80സെന്റ് സ്ഥലവും കൂടി മേൽപറഞ്ഞ അതിർത്തികളിൽ ഉൾപ്പെട്ടിരിക്കുന്നു'. In the English certified copy it is seen in page No. 51, lines 13,14,15 that 'and another area of 26 acres and 80 cents also included in the above boundaries'. In page No. 54, line 16 of the English Indenture 'containing 1030 acres and 11 cents seen in a different hand writings. In Malayalam certified copy it is seen in the 43rd page line as 'ഒട്ടുക ഏകദേശം 1030 ബ്രിട്ടീഷ് സ്റ്റാറ്റൂട്ട് ഏക്കർ 11 സെന്റ് വിസ്തീർണ്ണമുള്ളതും'. In the English certified copy it is seen recorded in the page No. 52, line 13 that 'containing 1030 acres and (damage)'. In page No. 55, line 16 of the English Indenture it is seen written that 'No's 889/1-2, 904/1A, 904/2A and', but it is seen in different hand writings. On verification of the Malayalam certified copy the same line is seen in page No.44, line 13 recorded that 'സർവ്വേ നമ്പർ-889/1-2 904A 904/2A 905'. In the English certified copy, page No.53, line 7 & 8 is seen written as 'half of survey No's 889/1-2, 904/1A, 904/2A. In page No. 60, the 2nd line of the English Indenture is seen written that 'and 31cents is to be', the writing is seen as over-writings. In the Malayalam certified copy the same line is seen recorded in 47th page, line 9 as ' 2 ഏക്കർ 31 സെന്റ് വിസ്തീർണ്ണം സ്ഥലത്തെ പാട്ടം കൊടുത്തയാളിനും'. In English certified copy the same line is seen in the

last line of page No. 56 that "the whole area of 2 acres and 31 cents is to be reserve'. In the English Indenture page No. 62, the 9th line of the table it is written as 'do of 861/1A' is seen in a different character of writings. It is seen in the Malayalam certified copy page No. 49, 9th line recorded that '861/1A). In English certified copy it is seen in page 59, line 9 recorded that 'do of 861/1A'. These two certified copies are prepared and issued from SRO, Kollam. From this, it can be decided that the corrections mentioned above in the document No. 1600/1923 of Harrisons Malayalam had been done on or before the registration date. The above-mentioned correction may have been recorded in Volume of 1600/1923 stored at SRO, Kollam, therefore it was repeated in the certified copies also.

As part of the investigation W17, Sri. Anand was questioned and he stated that he is the Resident Manager, Trivandrum of HML from 1.8.2013. The English Document No. 1600/1923 was registered in the year 1923 at SRO, Kollam, the same was submitted before the Hon'ble Registrar of High Court of Kerala as instructed by Hon'ble High Court. The certified copies of Malayalam and English Document No. 1600/1923 were obtained from SRO, Kollam during 1973 and 1980 respectively by the company as per application. Now only these certified copies are the document for the daily affairs of the company. Therefore, he informed that the certified copies cannot be produced before this Bureau and he produced the Notarized colour copies instead of the said document (**Exbit: Q & Q1**). He also stated that if the Court demands, the document will be produced before this Bureau.

On 4.11.2020 W17 produced the copy of Certificate of Incorporation under the Companies Act 1956 and Memorandum and Articles of Association of Harrisons Malayalam Ltd. (**Exbit:R**).

In connection with the investigation of the case SRO, Mattancherry Smt. Maria Judy (W18) and SRO Punalur Sri. Alpha Johnnie (W19) was questioned and recorded their statements. According to W22 the Book No. 4 is a Volume Book maintained for Power of Attorney, Chitty Bond and Receipt. The Book No. 4 maintained in this Office, page No. 43 of Vol. 87 it is seen that the details of Chitty Bond No. 10/1985 entered. This registration was between the present

President, Robert Bristow Memorial Benefit Fund Sri. C. D. Varghese and Secretary V.V Purushothaman as 1st party and One Sasi and Mani as other party. This registration had been done on 8.1.1985. The 'Attested Power of Attorney' is an authorization agreement, a document after prepared and signed by the signatory and which is authorized to produce before a Registering Authority on behalf of the signatory. Section 33(a) of Registration Act 1908 describes the Attested Power of Attorney. The File Volume of Attested Power of Attorney kept in this office was not found in the records room of this Office. The Attested Power of Attorney prepared in this Office must be recorded in concerned SRO Power of Attorney Register. She also stated that if a document is to be registered through both Power of Attorney or Attested Power of Attorney it should be recorded in the related document.

According to W19, the Volume No. 1008/1985 is contained in Volume 528 of Book No. 1 in page No. 219 of this Volume an endorsement was seen written. In the Endorsement it is seen written that 'Copy of endorsement and certificates:- Presented in the office of the Sub Registrar Punalur at 10.30 AM on the 8th day of March 1985 and paid a fee of Rs. ninety six thousand and one hundred and forty six only paid by T K V Nair sd/thumb impression son of P V Gopala Pillai, Company executive residing at Currier Station Road, Ernakulam Power agent for and on behalf of PananghatKochu Krishna Menon for Harrison's Malayalam Ltd. son of M. Krishna Menon residing at Kilkelly by Special Power of dated 23.2.1985 attested by Sub Registrar, Mattancherryas 10/1985 dated 23.2.1985. At the bottom of this page signature of T K V Nair and the Examiner and Reader are seen. When an Attested Power of Attorney produced, it should return to the party after the Document Number noted behind the Attested Power of Attorney.

According to W20, Sri Anil Kumar it is stated that he is working as Junior Superintendent, Sub Registrar Office, Punalur. As instructed by the Sub Registrar, Punalur he produced the Book No. 1 Vol. 528, the Book No. 1, Vol. 1380. Of these, document No. 1008/85 was recorded in Vol. No. 528. The thumb impression of the party is taken in the Thumb Impression Register Vol. 445 (Exbit:S).

As part of the investigation A1 to A4 was questioned and recorded their statements. According to A1, Sri. Vinaya Raghavan he is holding the position of President of Harrisons Malayalam Ltd. since 2009. In the document No. 1600/1923 some corrections are seen in page No's 27, 32, 49, 52 and 53 and alleged that this was not happening at the time of preparing the document. But the same correction can be seen in both Malayalam and English certified copies which was obtained from the SRO, Kollam. In Malayalam certified copy this correction can see in page Nos. 24, 27, 39, 42 and 43, in English certified copy it can be seen in page Nos. 27,31,48,51 and 52. In page No.77 and 78 of the original document it was explained that the completion of registration procedures. Another allegation is about the Power of Attorney No. 10/85, SRO Mattancherry by T.K.V Nair. He stated that the Power of Attorney No. 10/85 had not registered in Mattancherry. In this Power of Attorney the Company had authorized Chief Executive Sri, P.K Menon only for producing the document before the SRO Punalur. Such Power of Attorney need not be registered in SRO. Another allegation is that the Metric system of measurement in this state was adopted in the year 1965, but in the sketch prepared in 1923 kept in the Survey Department the measurement was Metric measurement. The Metric measurement system was adopted Vide Order No. Sy. B1-192268/65 dated 28.10.1965. In this Proceedings it was explained that along with the earlier measurement, ie, Acres, Metric measurements also recorded in the sketches. The properties mentioned in the document No.1600/1923 were purchased from different land owners and Govt. since 1908. During 1923, when the company had liquidated, all the properties were handed over to another company named Malayalam Plantations Ltd as per document No. 1600/1923.

A3, Sri. Venugopal stated that now he is working as Vice President (Legal) of M/s Harrisons Malayalam Ltd. During 1923 Malayalam Rubber Produce Company was liquidated and the entire land was transferred to Malayalam Plantation Ltd. as per document No. 1600/1923 at SRO Kollam. As per Rule 12 of Travancore Regulation 1087 (1911) 'if any document duly presented for registration be not in Malayalam or Tamil, the Registering Officer shall refuse to register the document unless it be accompanied by a true translation into Malayalam or Tamil and also by a true copy of the original

document'.As per Rule 54(1) the endorsement and certificates referred to mention in sec. 51 and 53 shall thereupon be copied into the margin of the Register Book, and the copy of Map or Plan, if any mentioned in sec.14, shall be filed in Book I, (2). The registration of the document shall thereupon be deemed complete and the document shall returned to the person who presented the same for registration or to such other person, if any as he has nominated in writing in that behalf on the receipt mentioned in sec. 54 (2). As per Rule 55(1) when a document is presented for registration U/s 12, the translation shall be transcribed in the register of documents of the nature of the original, and together with the copy referred to in sec. 12, shall be filed in the Registration Office. Based on the said Rules it is understood that during 1923 the original document in English, its Malayalam translation and true copy of English document of 1600/1923 was produced before SRO Kollam for registration. As per sec. 54 (2) the English original document was returned to Company after registration. Both Malayalam translation and true copy of English document is to be found in SRO Kollam. John Mackie was represented for Malayalam Rubber Producers Company Ltd. and Malayalam Plantation Company for signs in document No. 1600/1923. The document was in a high value transaction and therefore with that amount ie. Rs. 46340/- was remitted to the Treasury as stamp duty instead of Stamp paper. The page No. 76 of certified copy obtained from SRO Kollam during 1973, it is recorded that 'ഖജനാവ് മുദ്ര 22.7.1098 അടിച്ച മുദ്രപത്രം ഒന്നിക്ക് വില രൂപ നാല്പത്തി ആറായിരത്തി മുനൂറ്റിനാല്പത്'. The paper used for preparing the document No. 1600/1923 it can see that the watermark of John Dickinson Company. From this it can understand that the Document was prepared in a good quality paper. As per Regulation No. VIII of 1096 the John Dickinson and Company had approved for business in India by Income Tax Department. The land possessed by the Malayalam Plantation Company, which was registered in London during 1921 was transferred to the Indian Company named Malayalam Plantation India Ltd. as per Doc. No.1600/1923. This transfer was done with the approval of both Reserve Bank and High Court of Kerala in the year 1979. Thereafter, during 1984 this Malayalam Plantation Ltd. was amalgamated with Harrisons and Cross Fields India Ltd. and the name of the Company was changed as M/s Harrisons Malayalam Ltd.

A4, Sri. Ravi Anand he is holding the position of Chief Finance Officer of Harrisons Malayalam Pvt. Ltd. Company since 1996. When he was taken over this position, the document No.1600/1923 of SRO, Kollam was in the possession of their Office. In this document, the area of land containing Isfield, Nagamala, Kumbha, Laha, Mundakayam, Kaliyoor, Lockhent, Suriyanelli, Boyce and Cheruvally, out of these a division of Thenmala, Cheruvalli, Ambandu and Boyce were sold out.

As part of the investigation W21, Sri. Vijayakumar was questioned, according to him, when a document is registered the following details such as name of seller, buyer, details of property, extent & survey number are required. Moreover, the rights accrued by the seller should be explained and no documents should not be registered without survey number. The verifications of previous document are not mandatory at the time of registration but it has been verified for avoiding any legal proceeding in future. If there is different survey number in a document the extent of each survey number should have been recorded separately in the document.

As part of the investigation A5 to A8 were questioned and recorded their statements. As per the Registration Act, unless it has a Court Order or Govt. Orders all registrations should be done after remitting the prescribed fees. On 12.2.2001 a circular was issued by Registration Dept. that the right related to registration should be examined by registering authority. Against this Circular a Judgment dated 24.4.2007 observed that 'It is not the duty of the registering authority to enquire and ascertain the title to its own satisfaction under the provisions of the transfer of property Act 1882. If the transfer does not have any title or has an imperfect title to the property, the transferee on transfor will either get no title or he will get an imperfect title. This will be the prejudice of the transferee and is not of any concern to the registering authority- 2002(1) KLT 330'. The prior deed, that is 1600/1923 has not verified at the time of registration. When the document was registered, there was no Court Orders or Govt Orders for not transferring the property.

W22: Sri. Sumit Babu, Senior Manager (Legal) Harrisons Malayalam Ltd. was questioned. According to him Harrisons Malayalam Ltd. mainly doing

business in the field of Rubber and Tea Plantations. The Company had engaged so many cases with State and so many individuals. Earlier the Company's name was Malayalam Plantations India Ltd., later it was re-named as Harrisons Malayalam Ltd. on 29th October 1984 as per order of the Registrar of Companies, Kerala. The Company-owned properties registered under the SRO of Kollam under Document No. 1600/1923. The document was prepared in English for registration and at the time of the registration the copy of English and Malayalam was produced. Harrisons Company has conducted so many civil cases in several Courts, for that purpose the certified copies of the English and Malayalam document No. 1600/1923 was produced before Courts. There are so many allegations raised against the genuineness of the document No. 1600/1923. Of these, for possessing the Government lands the survey numbers in the documents made corrections and forged seal and signature on the document. The company had been obtained a certified copy of the Document in Malayalam No.1600/1923 issued from SRO Kollam during 1973 and a certified copy of English Document No.1600/1923 issued from SRO Kollam during 1980. Compared to the English original document number 1600/1923, it was found that all the corrections alleged in the original document and the certified copies are seen same. Only after the company had conforming that any corrections or malpractices were not done by anybody of their predecessors and the document was produced for Court purpose. The discrepancies based on the Registration Rule noticed in the document No. 1600/1923 may have happened at the time of registration. The Malayalam and English certified copies of the document No.1600/1923 was prepared by copying from the concerned Volume File kept in the SRO, Kollam. During 1985 an estate named Ambanad Estate under the jurisdiction of Punalur SRO was sold. For this, the sale deed, which was prepared in the name of the then Chief Executive, PanaghatKochu Krishna Menon, for the sake of presenting the document before the SRO Kollam for registration, an Attested Power of Attorney No. 10/1985 T K V Nair as a power agent was attested by SRO, Mattancherry on 23.02.1985. As per the annual report 1984-85 of the company, the Chief Executive was Sri. PanaghatKochu Krishna Menon (P K Menon) and as per the Memorandum of Association the 2nd position in the list of Name, Address and Occupation of subscribers was P K

Menon, S/o M Krishna Menon, Kilkely, Dutch Cemetery Road, Cochin as Company Executive. In the 5th line name and address was T K V Nair as company Chartered Accountant. T K V Nair was expired on 26.4.1991 while undergoing treatment at Cosmopolitan Hospital, Thiruvananthapuram. The death certificate of Sri.T.K.V.Nair was produced by the Registrar of Birth and Death, Marriage, Municipal Corporation, Thiruvananthapuram (Exbit:T). The document number 1675/1910 of SRO Kanjirapally and document No. 3181/1912 of SRO Thiruvananthapuram an extent of 1050 and 1060 respectively was executed by Ramakrishna Panikar and others of Mattakattu family in favour of Josiah Robert Vincent (Cheruvally Estate). The properties originally belonged to the Koogoorpally Illom also known as Nandiattu Illom and the members of the Illom transferred the properties to Mattakattu family. Josiah Robert Vincent transferred the above two properties to Henry Mansfield Knight vide doc. No. 3437/1912 of SRO Kanjirapally. The Malayalam Rubber and Produce Company Ltd. transferred the above property to M/s Malayalam Plantations Ltd. by Doc. No. 1600/1923. In the year 1947, by sale deed No. 884/1947 of SRO Kunnathunad and sale deed No. 834/1047 of SRO Alangad the jenmam right of the Illom was purchased by Malayalam Plantations Ltd. In addition to this Patta No. 792/1935 was granted by Travancore Government in favour of Malayalam Plantations Ltd. for an extent of 136.35 acres. Doc. No. 1343/1909 of SRO Kollam was executed by Isfield Tea Company Ltd. in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 424.88 acres (Thenmala Estate). Prior to this the property was sold by the Travancore Government to Arthur Charles Williams by way of auction sale and Patta No. 433 was granted in the year 1907. Thereafter, the said property was sold by Arthur Charles Williams and others to Isfield Tea Company Ltd. Out of the said 424.88 acres, an extent of 206.51 acres in survey No. 1/1 to 3 and 2/4 to 11 forms part of sale deed No. 2840/2005, an extent of 21.82 acres was acquired by the Government of Kerala for Kallada Irrigation Project. The Doc. No. 4069/1910 of SRO Trivandrum was executed by Horace Drummond Deane in favour of Malayalam Rubber Produce Company Ltd. assigning an extent of 890.01 acres in the erstwhile Changanerry Taluk. The above properties originally belonged to the Vanchipuzhay Madom and the same was transferred

by one Oozhithiraru Oozhithiraru of the said Madom to Horace Drummond Deane. The Doc. No. 1787/1924 of SRO Kollam was executed by Henry Ward, the Administrator General of Madras (being the Administrator to the Estate of late Harry Bertrand Kirk) of Peruvanthanam Syndicate and Malayalam Rubber produce Ltd. in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 762.55 acres in the erstwhile Peerumade and Changnacherry taluks. The above property originally belonged to the Vanchipuzhay Madom and the same was transferred by one Oozhithiraru Oozhithiraru of the said Madom to Harry Bertrand Kirk. The said Henry Ward and Harry Bertrand Kirk had purchased certain shares of Malayalam Rubber and Produce Company Ltd. The Malayalam Rubber and Produce Company Ltd. transferred the above properties to M/s Malayalam Plantations Ltd. by Doc. 1600/1923 (Boyce Estate). Document No. 2189/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 1310.13 acres (New Arundel Estate). The document No. 969/1916 of SRO Kollam was executed by Norman Smith being the executive and trustees of the Last and testament of Ernest Molyneaux Ewart (deceased) in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 589.15 acres. The property was sold by the Travancore Government to the said Ernest Molyneaux Ewart in confirmation of the auction sale of the property under the Revenue Recovery Regulation. Doc. No. 2196/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M. Krishnan Nair in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 711.01 acres. Out of the said 711.01 acres, an extent of 469.65 acres in survey No. 387/1,3,4&5, 389/2,3,4,5&6, 406 & 403/1&2 forms part of sale deed No. 1008/1985 sold by HML to Travancore Rubber and Tea Company Ltd. Doc. No. 2228/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 127.80 acres (Ambanad Estate). Balance extent of Ambanad Estate was also sold by Travancore Government to the Predecessors of HML.

An attempt was made to seize the volume files of the above mentioned sale deed documents from the concerned SRO's but which was in a dilapidated condition and grinded condition.

In the Vigilance Enquiry Report a Comparative Analysis of the Litho Maps, Estate maps and Taluk Maps in respect of the properties involved in the Doc. No.1600/1923 are verified and revealed that majority of the properties as per Survey symbols are of forest, Jungle, Puramboke, Wasteland, Rocks etc. On further analysis it is revealed that some of the properties are seen surrounded by forest and it creates suspicion that the company has encroached into the forest land with the help of revenue officers and created forged records in favour of the company.

Based on this the settlement register kept both Central Survey Office and Archives Thiruvananthapuram is verifies with the survey numbers of each estate mentioned in the document No. 1600/1923 are given below:-

1) NAGAMALA ESTATE

As per the document 1600/1923 the survey numbers are 875/1-A, 875/1-B, 875/2, 875/A, 875/B, 875/C, 875/4, 875/5-A, 875/5-B, 875/6 890, and 890/1-A and total extend of 1376.53 acres which is situated in Kollam district, Pathanapuram Taluk, Thenmala Village (old Pathanapuram). As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram. Sy. Nos. ends in Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit: U).

2) ISFIELD ESTATE

As per the document 1600/1923 the survey numbers are 878/1, 878/2, 878/3, 878/4, 878/5, 878/6, 878/7, 878/8, 878/9, 878/10, 878/12, 878/13, total extend of 571.21 acres and which is situated in Kollam District, Pathanapuram Taluk, Thenmala Village (old Pathanapuram).As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram Sy.

Nos. ends in Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. **(Exbit:U)**.

3) AMBANAAD ESTATE

As per the document 1600/1923 the survey numbers are 880/1, 880/2, 880/3, 880/4, 880/5, 880/6, 880/7, 880/8, 880/9, 880/10, 880/11, 880/12, 880/13, 880/14, 880/15, 880/16, 880/17, 880/18, 880/19, 880/20, 880/21, 880/22, 880/23, 880/24, 880/25, 888, 889, 882, total extend of 1310.13 acres and which situated in Kollam District, Pathanapuram Taluk, Thenmala Village (old Pathanapuram).As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram Sy. Nos. ends in Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. **(Exbit:U)**.

4) TOP BUNGALOW BORN POUND ESTATE

As per the document 1600/1923 the survey numbers are 881/1, 881/2, 881/3, total extend of 4.05 acres and which situated in Kollam District, Pathanapuram Taluk, Thenmala Village (old Pathanapuram).As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram Sy. Nos. ends in Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. **(Exbit:U)**.

5) MIDLOTHIAN ESTATE

As per the document 1600/1923 the survey numbers are 887/1, 887/2, 881/3, total extend of 437.24acresandwhich situated in Kollam District, Pathanapuram Taluk, Thenmala Village (old Pathanapuram).As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram Sy. Nos. ends in Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala

Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:U).

6) THENMALA ESTATE

A comparative statement is given below as per the document No. 1600/1923 and Settlement Register obtained from Central Survey Office and Central Archives, Thiruvananthapuram. The area is situated in Pathanamthitta District, Pathanamthitta Taluk, Perunad Village (Old Ranni). As per the Settlement Register the Survey No's 1/1 to 2/11 is seen marked the name of owner as E.M Ivert Sayip (East India Company) (Exbit:V). As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:U).

Sl. No.	As per Document No.1600/1923		As per Settlement Register obtained from, Central; Archives, and Central Survey Office, TVPM		
	Old Sy.Nos.	Extent	Extent	Item of land	Name of Pattadar
1	1/1	No Separate Area	194.26	Purayidam (Pandarapattam)	E.M. Ivert Sayip (East India Company)
2	1/2	"	13.26	"	"
3	1/3	"	52.78	"	"
4	2/4	"	21.68	"	"
5	2/5	"	40.85	"	"
6	2/6	"	4.13	"	"
7	2/7	"	18.04	"	"
8	2/8	"	3.26	Nilam	"
9	2/9	"	25.23	Purayidam (Pandarapattam)	"
10	2/10	"	11.75	"	"
11	2/11	"	39.7	"	"
		424.88	424.94		

6) KUTHIRAMALA GARDEN ESTATE

As per the document 1600/1923 the survey numbers are 888/2, total extend of 8.65acresandwhich situated in Kollam District, Pathanapuram Taluk, Thenmala Village (old Pathanapuram).As per the Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram Sy. Nos. ends in

Sy.No.874/1,2,3. Sy. Nos. from 875/1A and above are not seen in the Register. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:U).

7) NAMBIAR ESTATE

As per the document 1600/1923 no survey numbers is mentioned in the document and total extend of 162.61 acresandwhich situated in Pathanamthitta District, Ranni Taluk (Old Pathanamthitta), Perunad Village (old Ranni). The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:U).

8) KORAVAN THAVALAM ESTATE

As per the document 1600/1923 the survey numbers are 882/1A, 882/1B, 882/3A, 882/3B, 883/1, 884/1, 885/1, 886/1, 887/1, total extend of 1230.20 acresandwhich situated in Pathanamthitta District, Ranni Taluk (Old Pathanamthitta), Perunad Village (old Ranni). The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 4 of Thenmala Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:U).

9) VENTURE ESTATE

As per the document 1600/1923 the survey numbers are, 370/2, 370/4, 370/5, 370/6, 371/1A, 391/1, 391/2, 391/3, 391/4, 391/5, 391/6, 391/9, 397,398, 400, 406, total extend of 407.25 acresandwhich situated in Schenchottah District, Pathanapuram Taluk (Old Schencottah), Aryankave Village (old Puliyaara). The revenue details of Puliyaara Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

10) FLORENCE ESTATE

As per the document 1600/1923 the survey numbers are, 378/1, 378/2, 379/1, 380/1, 381/1, 382/1, total extends of 160.31 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

11) ANACHADY ESTATE

As per the document 1600/1923 the survey numbers are, 373/1, 373/2, 373/3, total extends of 288.33 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

12) LITTLE ANACHADY ESTATE

As per the document 1600/1923 the survey numbers are, 372/1, 372/2, total extends of 225.65 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

13) NEDUMPARA ESTATE

As per the document 1600/1923 the survey numbers are, 375/1, 375/2, 375/3, 375/4 total extends of 231.17 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives,

Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

14) HOMESTEAD TO NEDUMPARA ESTATE

As per the document 1600/1923 the survey numbers are, 350/1A, 350/2B, total extends of 7.35 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

15) NEW MOURYA PANJAN ESTATE

As per the document 1600/1923 the survey numbers are, 376 and total extends of 43.58 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

16) UPPER FLORENCE ESTATE

As per the document 1600/1923 the survey numbers are, 350/4, 350/5, 350/6, 350/7 401, total extends of 446.82 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

17) CHINNAKULARATTI ESTATE

As per the document 1600/1923 the survey numbers are, 371/1, total extends of 53.42 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

18) UPPER ANACHADY ESTATE

As per the document 1600/1923 the survey number is 374/1, total extends of 11.81 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

19) RIDGEBAND ESTATE

As per the document 1600/1923 the survey numbers are, 386//1, 386/2, total extends of 127.80 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

20) A & B BLOCK ESTATES

As per the document 1600/1923 the survey numbers are, 387//1, 387/2, 387/3, 387/4, 387/5, 389/1, 389/2, 389/3, 389/4, 389/5, 389/6, 402/1, 403/1, 403/2, total extends of 711.01 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per

the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

21) NEW SWARNAGIRI ESTATE

As per the document 1600/1923 the survey numbers are, 390//1, 390/2, 390/3, 390/4, 390/5, 390/6, 390/7, 405, 411, total extends of 208.87 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schencottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

22) ARUNDEL ESTATE

As per the document 1600/1923 the survey numbers are, 392//1, 392/2, 392/3, 392/4, total extends of 589.15 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schencottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

23) FLORENCE ESTATE

As per the document 1600/1923 the survey numbers are, 350//3, total extends of 38.30 acres and which situated in Schenchottah District, Pathanapuram Taluk (Old Schencottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

24) VENTURE No.2 ESTATE

As per the document 1600/1923 the survey number is 409, total extends of 32.96 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

25) KALTHURUTTY ESTATE

As per the document 1600/1923 the survey numbers are 368/1, 368/2, 368/3, 369/1, 369/2, total extends of 123.73 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

26) NEW PANCHUMALAI ESTATE

As per the document 1600/1923 the survey number is 359/1, total extends of 3.54 acres and which is situated in Schenchottah District, Pathanapuram Taluk (Old Schenchottah), Aryankave Village (old Puliya). The revenue details of Puliya Village are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 136 of Aryankavu Village Office the property is in the name of Malayalam Plantations Ltd. (Exbit:W).

27) LAHAH & PERUMON ESTATE.

A comparative statement of survey No's are given below as per the document No. 1600/1923 and Settlement Register obtained from Central Survey Office, Thiruvananthapuram. The area is situated in Pathanamthitta District, Ranni Taluk (Old Pathanamthitta), Perunad Village (Old Ranni). The name and address of the owners mentioned in the register is various persons. (Re-survey No. 887/1-2, 884/1-2, 886/1, 865/1A, 901/1B, 889/1-2, 889/1-3, 837/1A2,

837/1D2, 837,1C, 837/1D8, 837/1B, 837/1E, 811/1B2, 811/1B5, 827/5-2, 902/1A2, 827/1-3, 838/1C) (Exbit: X). On examination of the TPR from Village Office Perunad the properties are in the name of The Malayalam Rubber Company and other individuals. (Exbit: Y).

Sl.No.	As per Document No.1600/1923		As per Settlement Register obtained from Central Archives, TVPM		
	Old Sy.Nos	Extent Extent is not shown	Extent	Item of Land	Name of Pattadar
1	827/1	Extent is not shown	135.99	Puramboke	Government
2	827/10	"	49.22	Purayidam	Ouseph Uduppan
3	827/13	"	47.87	"	Nasrani Karyesu
4	827/14	"	48.84	"	Nasrani Karyesu
5	827/16	"	48.79	"	PuyyenKujaman
6	827/20	"	48	"	Chacko Kuruvila
7	827/22	"	49.23	"	Thomaldikkula
8	827/19	"	49.39	"	ChakkoKayyan
9	827/17	"	49.08	"	KunjamanItti
10	827/15	"	45.38	"	KochukoraThoma
11	827/25	"	48.93	"	KochuthomaSkariah
12	827/11	"	47	"	KochuthomaKuruvila
13	827/12	"	49.03	"	Kochuthommen
14	827/18	"	47.14	"	K.Abraham
15	827/21	"	49.83	"	K.Unnithan
16	827/23	"	49.23	"	KuruvilaKaryesu
17	827/24	"	48.84	"	N Kochuthommen
18	811/1A	"	4.58	"	Kuruvila K
19	827/2	"	47.24	"	K Kochuthommen
20	827/3	"	29.38	"	K Kochuthommen
21	827/9	"	49.59	"	K Kochuthommen
22	828/1	"	69.18	"	K Kochuthommen
23	850/1A	"	18.43	"	K Kochuthommen
24	827/1-4	"	11.71	"	Kochupennu
25	827/1-5	"	22.94	"	Kochupennu
26	889/1-2	"	290.63	Puramboke	Government
27	904/2A	"	7.11	Purayidam	Perumal Idikkula
18	905/1	"	15	"	Perumal Idikkula
29	904/1A	"	7.11	"	P.Idikkula
30	901/1A	"	14.15	"	N.Krishnan

31	902/1A	"	43.03	"	N.Krishnan
32	903/1A	"	25.877	"	N.Krishnan
33	902/2	"	6.23	"	N.Krishnan
34	858/1A	"	3.67	"	Velunarayanan
35	858/1B	"	13.13	"	Velunarayanan
36	860/1A	"	5.87	"	Velunarayanan
37	860/1B	"	22.13	"	Velunarayanan
38	861/1A	"	3.44	"	Velunarayanan
39	861/1B	"	20.36	"	Velunarayanan
40	882/1	"	19.02	"	Velunarayanan
41	883/1A	"	5.17	"	Velunarayanan
42	883/1B	"	26.46	"	Thervelillsow
43	883/1D	"	14.18	"	Thervelillsow
44	888/1	"	22.5	"	Velunarayanan
45	888/2A	"	2.48	"	Velunarayanan
46	888/2C	"	1.03	"	Velunarayanan
47	906/1	"	32.7	"	Velunarayanan
48	907/1A	"	6.89	"	Peruman
49	907/1B	"	3.4	"	Peruman
50	880/3A	"	19.41	"	Perumal Narayanan
51	880/3B	"	28.32	"	KunjunniKarthavu
52	881/1A	"	5.48	"	Perumal Narayanan
53	902/1B	"	27.97	"	SasthavuPeruman
54	903/1B	"	11.48	"	SasthavuPeruman
55	906/1	"	32.7	"	SasthavuPeruman
56	851/1A	"	2.75	"	Krishnan
57	853/1B	"	19.89	"	Velil Mathai
58	854/1A	"	3.64	"	Madhavan Govindan
59	854/1B	"	9.55	"	ChackoThoma
60	854/2A	"	4.7	"	KunjeliNangeli
61	854/2B	"	3.1	"	Chacko Thoma
62	885/1B	"	3.67	"	Chacko Thoma
63	904/1B	"	5.26	"	Chacko Thoma
64	904/2B	"	2.12	"	Chacko Thoma
65	908/1A	"	5.51	"	Ayyappan Narayanan
66	908/1N	"	5.4	"	Chacko Thoma
67	862/1A	"	7.35	"	NangeliKarthayani
68	862/1B	"	17.35	"	NangeliKarthayani
69	862/1C	"	33.15	Puramboke	Government
70	862/1D	"	31.06	Purayidam	NangeliKarthayani

71	826/1A	"	5.19	"	N.Raman
72	826/1B	"	23.63	"	N.Raman
73	881/1B	"	27.9	"	K.Karthav
74	866/1A, 1B	"	3.58 16.32	"	K.Narayanan
75	859/1A	"	11.57	"	Kochukunju
76	859/1B	"	46.23	"	Ousep Chacko
77	863/1A	"	12.28	"	K Narayanan
78	864/1A	"	13.67	"	K Narayanan
79	863/1B	"	3.56	"	K Narayanan
80	864/1B	"	5.53	"	K Narayanan
81	857/1A	"	1.72	"	K.Ayyappan
82	857/1B	"	14.27	"	K.Ayyappan
83	826/1/3	"	No. Land		
84	826/1B1/3	"	23.63	"	N.Raman
85	856/1B	"	1.74	"	S.Ayyappan
86	847/1A	"	4.13	"	Ayyappan Narayanan
87	849/1A	"	13.36	"	Ayyappan Narayanan
88	847/1C	"	14.03	Puramboke	Government
89	848/1B	"	36.45	"	Government
90	839/1A	"	1.75	Purayidam	Nasrani Koshi
91	839/1B	"	0.86	"	Nasrani Koshi
92	840/1A	"	17.77	"	Nasrani Koshi
93	913/1A	"	8.82	"	Nasrani Koshi
94	836/1A	"	44.61	"	Nasrani Koshi
95	850/1B	"	27.07	Puramboke	Government
96	849/1B	"	67.78	"	Government
97	837/1B	"	26.33	purayidam	OusepIdikkula
98	837/1E	"	49.87	"	K.Ayyappan
99	884/1	"	30.29	Puramboke	Government
100	886/1	"	16.77	"	Government
101	865/1A	"	6.95	Purayidam	Oommen
	Total		2502.65	2680.4	

28) KUMBAZHA ESTATE.

A comparative statement is given below as per the document No. 1600/1923, Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram. The area is situated in Pathanamthitta District,

Pathanamthitta Taluk (Old Chengannoor), Malayalappuzha Village (Old Kumbazha). The survey No's shown in the statement are Govt. lands (Puramboke) except the survey No. 590/2, total extant as per Doc. 1600/1923 is 2500 acres but the extent as per Settlement Register is 110.62 acres (Re-survey No's 587/1-2, 588/1-1, 617/1-5, 617/1-6) (**Exbit: Z**). As per the TPR No.s 142, 144 and 146 the properties are in the name of Malayalam Plantations Ltd. (**Exbit:AA**).

Sl.No.	As per Document No.1600/1923		As per Settlement Register obtained from Central Archives, TVPM		
	Old Sy.Nos	Extent	Extent	Item of Land	Name of Pattadar
1	617	Extent is not shown	Not in Settlement		
2	586/1	"	13.86	Puramboke	Government
3	587/1	"	2.75	Puramboke	Government
4	588/1	"	17.41	Puramboke	Government
5	589/1	"	1.52	Puramboke	Government
6	589/2	"	70.6	Puramboke	Government
7	590/1	"	4.11	Puramboke	Government
8	590/2	"	0.37	Nilam	Narayanan Raman
	Total	2500	110.62		

29) MUNDAKKAYAM ESTATE

A comparative statement is given below as per the document No. 1600/1923, Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram. The area is situated in Kottayam District, Kanjirapally Taluk (Old Kanjirapally), Edakunnam Village (Old Kanjirapally South). As per the Settlement Register the survey No's shown in the statement are Govt. Pandarakaryam and puramboke lands. (Re-survey No,s 319/1A, 320/1-5, 320/1-6, 320/1-7, 320/1-7, 320/1-10, 320/1-12, 320/1-13, 320/1-14, 320/1-15, 320/1-16, 320/1-17, 235/1-2, 235/1-3, 235/1-4, 235/1-5, 235/1-6, 235/1-7, 235/1-8, 235/263C, 235/2631D, 235/215C)(**Exbit: AB**). As per the TPR No. 807 of the Village Office Edakunnam (Re-survey No. 193/9) the property is in

the name of Malayalam Plantations Ltd. Survey No's as per TPR are:- 320/1, 235/1-2, 235/1-3, 235/1-4, 235/1-6, 235/1-8, 319, (**Exbit:AC**).

Sl.No	As per Document No.1600/1923		As per Settlement Register obtained from Central Archives, TVPM		
	Old Sy.Nos	Extent	Extent	Item of Land	Name of Pattadar
1	235/2	Extent is not shown	0.15	Purayidam	Government Pandarakkaryam
2	235/3	"	2.41	"	"
3	235/4	"	1.1	"	"
4	235/5	"	0.75	"	"
5	235/6	"	0.9	"	"
6	235/7	"	1.03	"	"
7	235/8	"	0.22	"	"
8	319/1A	"	66.14	Puramboke	Government
9	319/1B	"	400.62	"	"

30) MUNDAKKAYAM ESTATE

A comparative statement is given below as per the document No. 1600/1923, Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram. The area is situated in Kottayam District, Kanjirapally Taluk, Erumeli North Village (Old Kanjirapally South). As per the Settlement Register the survey No's shown in the statement are Govt. Pandarakaryam and puramboke lands, the revenue details from survey No's 384/6B is not available from the Register (Re-survey No's 59, 60/2) (**Exbit:AD**). As per TPR No. 193 the property is in the name of Malayalam Plantations Ltd. (**Exbit:AE**).

Sl.No	As per Document No.1600/1923		As per Settlement Register obtained from Central Archives, TVPM		
	Old Sy.Nos	Extent	Extent	Item of Land	Name of Pattadar
10	384/4A	"	19.02	"	"
11	384/4B	"	15.17	"	"
12	384/6B	"	Not in		

			Settlement		
13	384/7	"	"	"	"
14	385/3	"	"	"	"
15	385/4	"	"	"	"
16	385/9	"	"	"	"
17	384/4A	"	"	"	"
18	384/4B	"	"	"	"
19	385/5A	"	"	"	"
20	385/7	"	"	"	"
21	385/8	"	"	"	"
	Total	1381.89	507.51		

31) CHERUVALLY ESTATE

As per the document 1600/1923 the survey numbers are 357/1, 368, 368/1C, 369/1 to 7, total extends of 2127.74 acres and which situated in Kottayam District, Kanjirapally Taluk (Old Kanjirapally south), Erumeli South Village (old Kanjirapally south). The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No's 2849 and 2850 the property is in the name of Malayalam Plantations Ltd.(Survey No's as per TPR 283, 281, 282, 284/2, 284/3, 284/4)(Exbit:AF).

32)BOYCE & PERUVANTHANAM ESTATE

The survey number is not mentioned in the Document No. 1600/1923, total extends of 1673.89 acresandwhich situated in Idukki (Old Kottayam) District, Peerumedu Taluk Kokkayar Village (old Peruvanathanam). The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram.

32) KALIYAR RUBBER ESTATE

A comparative statement is given below as per the document No. 1600/1923, Settlement Register obtained from Central Survey Office and Archives, Thiruvananthapuram. The area is situated in Idukki District, Thodupuzha Taluk Kodikulam Village (Old Karimannoor). From this statement some survey no's details are not available in the Settlement Register, Some survey No's are marked individuals name as owner and others are marked as

SreepandarakkaryamChaivarkal, total extent as per Document is 1490.4 but the extent as per Settlement Register is 1019.68 (Exbit:AG). As per the TPR No's 6/1060, 5/641 and 5/629 of Kodikulam Village Office (Re-survey) the land belongs to Malayalam Plantations Ltd. (Re-survey No's 12/4, 194/4, 193/1, 192/6, 192/8, 192/4,3/3, 3/6, 5/1, 5/3, 5/4, 22/2, 22/3, 27/1, 28/12, 30/1, 47/3, 130/2, 137, 139/1, 139/3)(Exbit:AH).

Sl. No	As per Document No.1600/1923		As per Settlement Register obtained from Central Archives, TVPM		
	Old Sy.No	Extent	Extent	Item of Land	Name of Pattadar
1	976/2	Extent is not shown	2.82	CherikalPurayidam	Sreepandarakkaryam Chaivarkal
2	977/1	"	0.88	"	"
3	983/1A	"	17.45	"	"
4	983/1B	"	0.66	Nilam	Mathai Ousep
5	983/1C	"	1.8	Purayidam	Uthupu Mathai
6	983/1D	"	1.35	Purayidam	Uthupu Mathai
7	983/1F	"	Not in Settlement		
8	983/1G	"	Not in Settlement		
9	983/1H	"	Not in Settlement		
10	1012/1	"	3.12	Cherikal Purayidam	Sreepandarakkaryam Chaivarkal
11	1012/2	"	6.72	"	"
12	1014/1A	"	272	"	"
13	1014/2B	"	2	Purayidam	"
14	1014/3A	"	1.24	"	"
15	1014/4B	"	1.55	"	"
16	1015/1	"	0.46	"	"
17	1015/2	"	7.19	"	"
18	1016/1	"	1.37	"	"
19	1016/2	"	4.89	"	"
20	1018/1	"	1.05	"	"
21	1018/2	"	9.06	"	"
22	1019/6	"	1.79	"	"
23	1020/1	"	113.43	"	"
24	1021/4B	"	0.78	"	"
25	1023/3	"	0.37	"	"

26	1024/3	"	0.58	"	"
27	1025/3	"	1.61	"	"
28	1030/2	"	27.58	"	"
29	1031/3	"	9.55	"	"
30	1032/1	"	3.98	"	"
31	1036/1	"	6.26	"	"
32	1036/3	"	1.25	"	"
33	1039/1	"	22.77	"	"
34	1040/1	"	0.54	"	"
35	1041/3	"	9.19	"	"
36	1042/6B	"	30.91	"	"
37	1043/3B	"	0.36	"	"
38	1043/4	"	1.85	"	"
39	1043/5	"	2.85	"	"
40	1043/6B	"	0.1	"	"
41	1044/1	"	0.09	"	"
42	1044/2	"	2.45	"	"
43	1044/4	"	2.75	"	"
44	1044/5	"	14.06	"	"
45	1046/2	"	1.69	"	"
46	1046/3	"	4.86	"	"
47	1047/1	"	0.74	"	"
48	1336/6B	"	2.57	"	"
49	1337/2	"	1.69	"	"
50	1339/1	"	0.81	"	"
51	1339/2	"	1.1	"	"
52	1339/4B	"	0.73	"	"
53	1339/5	"	10.06	"	"
54	1421/2	"	12.29	"	"
55	1422/2	"	11.94	"	"
56	1423/1B	"	0.66	"	"
57	1423/2	"	4.5	"	"
58	1424/1B	"	0.89	"	"
59	1424/5	"	1.81	"	"
60	1425/1	"	2.91	"	"
61	1425/2	"	1.38	"	"
62	1425/4B	"	0.7	"	"
63	1429/1	"	27.97	"	"
64	1430/3	"	1.38	"	"
65	1430/4B	"	0.37	"	"

66	1430/5	"	5.7	"	"
67	1430/7	"	1.86	"	"
68	1435/1	"	4.79	"	"
69	1436/1A	"	23.77	"	"
70	1437/1A	"	1.37	"	"
71	1437/2B	"	0.89	"	"
72	1440/1	"	1.4	"	"
73	1440/2B	"	0.34	"	"
74	1443/1	"	381.6	"	"
75	1444/2B	"	0.26	"	"
76	1445/1	"	18.76	"	"
77	1446/1A	"	59.75	"	"
78	1446/1C	"	13.02	"	"
79	1457/1	"	3.46	"	"
80	1458/1	"	11.94	"	"
81	930/2G	"	Didn't get copy		
82	1318/3	"	1.5	Purayidam	AgasthiKathanar
83	1318/4	"	4.62	Purayidam	AgasthiKathanar
84	1333/4	"	Not in Settlement		
85	1031/1	"	5.32	Purayidam	Ousep Thomas
86	1347/1A	"	2.3	"	Mathai Anna
87	1426/3	"	4.61	"	Ousep Thommen
88	1433/5	"	5.94	"	Ousep Thommen
89	1425/2	"	5.44	"	Ousep Thommen
90	1437/3B	"	0.76	Nilam	Sreepandarakkaryam Chaivarkal
91	1319/4	"	2.52	Purayidam	Ullahannan
92	1319/6	"	1.41	Purayidam	Ulahannan
93	1337/1B	"	1.8	Purayidam	PailyThomman
94	1442/1	"	0.96	Nilam	MathuOusep
95	1442/2	"	0.72	Nilam	VarkeyOusep
96	1445/5	"	Not in Settlement		
97	1441/1	"	1.73	Purayidam	Krishnan Ayyappan
98	1440/2A	"	0.95	Purayidam	Krishnan Ayyappan
99	1437/3A	"	0.07	Nilam	Ulahannan
100	1336/1	"	3.25	Purayidam	Ulahannan
101	1337/1A	"	3.32	Purayidam	Ulahannan
102	1426/2	"	6.91	Purayidam	Ulahannan

103	1437/2	"	5.49	Purayidam	Ulahannan
104	1319/4	"	Repeated		
105	1319/6	"	Repeated		
106	1430/6	"	1.57	Purayidam	Ulahannan
107	1430/4A	"	1.75	"	Ulahannan
108	1014/1B	"	2.72	"	Ulahannan
109	1014/2A	"	3.43	"	Ulahannan
110	1014/3	"	3.45	"	Ulahannan
111	1014/4A	"	4.33	"	Ulahannan
112	1015/5B	"	0.78	"	Pokkaran
113	1444/2A	"	0.7	Nilam	Ulahannan
	Total	1490.4	1019.68		

33) LOCKHART ESTATE AND MANALE ESTATES.

As per the document 1600/1923 the survey numbers are 18/1, 18/2, 18/3, 18/4, 18/5, total extent is 1268.32 acres, survey No's 19/2, 19/3, 19/4, 19/5, 19/6, 19/7, 19/8 and total extend of 429.1474 acres and which situated in Kottayam District, Devikulam Taluk Kannan Devan Hills Village. The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. The TPR and TPR is not available in the Village Office Kannan Devan Hills.

34) SURYANELLE ESTATE.

As per the Document No. 1600/1923, the Suryanelle Estate have no survey number which situated in Idukki District, Udumbenchola Taluk, (Old Devikulam), Rajakumari Village (Old Poopara).

35) SURYANELLE ESTATE.

As per the Document No. 1600/1923, the survey No's are 35/1, 36/1, 50/1, 38/2, 42/2, 38/1B, 40/1, 42/1, 116/1, 337, 338, 339, 361, 349, 358, 347, 348, 350, 353, 354, 255, 356, 362, 363, 210/1, 211/1, 211/2, 212, 213, 214, 215, 216, 494, 495, 496, 497, 498, 499, 500, 501 which situated in Kottayam District, Udumbenchola Taluk, (Old Devikulam), Chinnakanal Village (Old Poopara). The revenue details of said survey No's are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. As per the TPR No. 123 of Chinnkanal Village Office the said properties are in the name of Malayalam Plantations Ltd. (Survey No's as per TPR are:- 75/1, 323/1, 402, 403, 410, 419, 420, 421, 422, 411, 37/1, 39/1, 39/2, 43/1, 44/1, 44/2, 38/1A, 36/1, 50/1, 38/2, 42/2, 42/3, 38/1B, 40/1, 42/1,

210, 211/1, 211/2, 212, 213, 214, 215, 35, 216, 217, 218, 219, 220, 344, 345, 347, 348, 350, 351, 353, 354, 355, 362, 363, 337, 338, 339, 343, 359, 361, 349, 358, 352, 116/1, 440, 459, 461, 462, 464, 465, 222/7, 423, 451, 458, 222/6, 222/4, 222/9, 466, 467, 468, 469, 41, 51, 52/1, 51/2, 335/1, 481, 483, 479, 501, 502, 503(Exbit:AI).

36) GUDAMPARA ESTATE.

As per the document 1600/1923 the survey numbers are 3, 5, 7, 10, 14, 16, 18, 20, 22, 23, 24, 26, 19, 9, 17, 27, total extend of 601.66 acres and which situated in Idukki District, Udumbenchola Taluk (Old Devikulam) Santhanpara Village (old Pooppara). The revenue details are not available in the Settlement Registers obtained from Central Survey Office and Archives, Thiruvananthapuram. On verification of the TPR No.s 733, 734, 921, 753, 744, 751 of Santhanpara Village Office the survey No.s seen different individuals (Exbit: AJ).

As per G.O. (Ms) No. 161/2013/RD dated 25.04.2013 Sri. M.G Rajamanikam, IAS appointed as Special Officer & Collector, Government Land Resumption in exercise of the powers conferred by Section 15 of the Kerala Land Conservancy Act 1957 in respect of land held by M/s Harrisons Malayalam Ltd (Exbit:AK). During the course of the enquiry conducted by the Special Officer some irregularities were noticed and it was shown in his Report. On enquiry by the Special Officer it was revealed that the disputed land got it from Govt. as grant and leased from different land owners. This land was not legally handed over to Company by Govt. The violations of Land Reforms Act before and after Independence, FERA Act 1947 and 1973, Indian Independence Act 1947, the Companies Act before and after 1956, Right Acquisition Act 1955 and Land Revenue Manual in this land was mentioned in the report. The entire land spread over the districts of Kollam, Pathanamthitta, Idukki and Kottayam was declared as Govt. land. The Special Officer & Collector issued five separate proceedings, taken over of the Govt. land found illegally possessed by M/s Harrisons Ltd. and its assignees.

On 22.06.2015 a letter No. C4(VC.9/2013/SIU-II)33540/13 from the Director, Vigilance & Anti-Corruption Bureau with reference Govt. Letter No. 69231/A1/14/Revenue dated 07.04.2015 and Lr. No. GLR(LR)73/2015 dated 08/06/2015 of the Special Officer & Collector, Govt. Land Resumption received

by this Office and attached Proceedings issued by the Special Officer and Collector, Govt. Land Resumption. In this letter, it was directed to check whether all the extents of land found in possession illegally as revealed during the Vigilance Enquiry have been covered in the proceedings and also to report whether any further steps need be pursued by this bureau.

A report, in response to the letter No. C4(VC.9/2013/SIU-II)33540/13 dated 22.06.2015 was submitted before the Director, Vigilance & Anti-Corruption Bureau. In this report, entire land described in document No. 1150/1/2004, 23/2005, 2840/2005, 1008/1985 were taken over by the Special Officer & Collector, Govt. Land Resumption vide Proceedings Nos. GLR(LR) 63/2014 dtd. 08.05.2015, No. GLR(LR)90/2014 dtd. 28.5.2015, No. GLR(LR)88/2014 dtd. 28.5.2015, No. GLR(LR)46/2014 dtd. 28.5.2015 respectively. In this report, it is also recommended to initiate action for taken over 601.66 Acres of land comprised in Pooppara Village explained in Scheduled XXXVIII of Doc. No. 1600/1923.

W23, Sri. Sudharsanababu, Senior Clerk in State Land Board was questioned. According to him, from 2013, as per Govt. Order he had deputed for assisting Sri. Rajamanikam IAS, Govt. Land Special Officer. In connection with Harrison's Malayalam case he had met several times Smt. Susheela Bhatt at her office. In connection with the enquiry conducted by the Special Officer the document No. 1600/1923 was examined at their office. On examination of this document the irregularities noticed was shown in the final report of the Special Officer as per KLC Act. The enquiry conducted by Special Officer it was revealed that the disputed land was acquired by this company from Govt as grand and leased from deferent land owners. This land was not legally handed over to Company by this Govt. The private lease land comes under the KLR Act, mean time the company had not established the ownership. The violations of Land Reforms Act before and after Independence, FERA Act 1947 and 1973, Indian Independence Act 1947, the Companies Act before and after 1956, Right Acquisition Act 1955 and Land Revenue Manual in this land was mentioned in the report. The entire land spread over the districts Kollam, Pathanamthitta, Idukki and Kottayam was declared as Govt. land and Orders issued for takeover

the land as Govt. land. The Company and others approached before The Hon'ble High Court against the decision of Special Officer. On 11.4.2018 a final Judgment in WP (c) 33122/2014 was pronounced that the Special Officer has no rights to decide the ownership of a land. The irregularities of the Indenture 1600/1923 was noted in the report of Special Officer and it was recorded in Judgment in para 56. In this Judgment it was pronounced that there is no right to examine such irregularities by the Special Officer and the civil dispute of a land will considered by a Civil Court. Against the Judgment State Govt. had filed a Special Leave Petition before the Hon'ble Supreme Court on 17.9.2018 and it was also rejected.

On perusal of the Judgment in WP (C) 33122/2014 (M) of Hon'ble High Court of Kerala (**Exbit:AL**). It is understood that the writ petitions were filed by Harrisons Malayalam Limited (HML) and persons/companies to whom they sold properties (Ambanad, Cheruvally, Boyce and Thenmala estates) questioning the order passed by the Special Officer appointed by the Government under the Land Conservancy Act to take over the estates.

The case of HML was that the properties with them are not Government land and the Special Officer & Collector has no authority to take over the properties. The other estates which were sold by HML also took same stand. The Government's stand is stated in paragraph 56 of the judgment. The questions regarding FERA Act violation, Indian Independence Act, Violation of KLR Act, Taluk Land Board Case and also the forgery of the Document No. 1600 of 1923, SRO Quilon (para 56 (h) (i) to (ix) of the judgment) was also raised in the Hon'ble High Court. The High Court by judgment dated 11.04.2018 in W.P(C) No. 33122of 2014 (HML), W.P(C) No. 10640 /2015 (Gospel for Asia, Cheruvally Estate), W.P(C) No. 10962/2013 (Travancore Rubber & Tea Company- Ambanad Estate), W.P(C) No. 11598/2015 (Boyce Rubber Estate), W.P(C) No.10320/2015 (Riya Resorts- Thenmala Estate) cases allowed the writ petitions filed by the Companies and set aside the order of taking over of the properties by the Special Officer. In paragraph 141 of the judgment the Division Bench stated that "title cannot be adjudicated under KLC Act, intended only at eviction of unauthorized occupation. Title, to establish it or to controvert it, has

to be adjudicated before the Civil Court. Title, we reiterate, in this context, we have not found on the petitioners, which we are incompetent to do in the present proceedings. Title, has to be found after adducing evidence in a properly initiated civil proceedings, if the State ventures so, to institute. There is no cause for the petitioners to approach the Civil Court to establish title under Section 20 of the KLC Act; the proceedings under the Act having been set aside by us”.

The findings 1 to 17, in the Enquiry Report (Exbit:A) of Sri. Nandhanan Pillai mentioned earlier was also discussed in the judgment of the Hon'ble Division Bench of the High Court in W.P (c) No. 33122 of 2014 and the relevant paragraphs are extracted hereunder;

“Para 111. On like reasoning, it has to held that it does not lie within the Authority of the S.O, authorized under the KLC Act, to find indenture 1600 of 1923 as fraudulent or a forgery. Disparities with other documents executed during the very same period is a matter of adjudication after adducing proper evidence before a Civil Court, granting opportunity to the other side to set forth their defense. Report submitted by the Sub Registrar to the Special Government Pleader, as was found in the case of the reports of the High Power Committee, the SIT and the opinion of a retired judge of this Court at best provide guidance to the State to decide on the further course of Action. Once a decision is taken to proceed under a statute, then the officer authorized has to take an independent decision well within the contours of the jurisdiction conferred. The reports of the Committee, SIT and the opinion as also the report of the Sub Registrar to the Special Government Pleader are extraneous to the consideration under the Statute and cannot in any event facilitate a finding on title especially when the statute does not confer such powers of adjudication. There is also nothing to show that these reports or opinion were given to the land holder and their objections called for, before reliance was placed on them. The order in Crl. M.C No 6447 of 2014 only leaves liberty to proceed and is not a finding of Guilt. The absence of survey numbers and the recitals not including the prior deeds are not matters that could lead to nullifying the effect of such documents. As to the three parties in the same document being represented by the very same person there is no prohibition as such and the same has to be looked at in the background of the

times, when the document was executed. The very same power of attorney was representing three parties, who were all, residents of England. The registration being in violation of Regulation II of 1087 (M.E) again is an aspect to be adjudicated , especially in the teeth of the contention raised by HML, that the State had issued a certified copy of the Document a few years back, it is not denied by the State. The absence of proper recitals in a registered deed cannot be ground for the State, who registered the document to completely efface the effect of Registration, granted by itself, to claim title for itself. On the allegation of the settlement register not showing the name of the HML, it has to be noticed that the Travancore State Manual, Volume III by Sadasyatilaka T. K Velu Pillai speaks of a settlement conducted by the Survey and settlement department, completed by the end of July 1910. There is no further settlement carried out and, hence, the Name of HML has not figured in the settlement register.

112. Indenture is written agreement and the definition as found in P. Ramanatha Aiyar's advanced law lexicon (3rd edition) reads as under:

“ Indenture 1. A formal written instrument made by two or more parties with different interest , traditionally having the edged serrated, or indented, in a zigzag fashion to reduce the possibility of forgery and to distinguish it from a deed poll 2. A deed or elaborate contract signed by two or more parties(Black 7th Edn. 1999)

Deed or instrument to which there is more than one party. It is so called because such deeds were formerly cut or torn(indented) in to portions, one for each party, to prevent forgery and provide proof of each person's involvement in the transaction indentures were formerly widely used to bind an apprentice to his master for the period of his apprenticeship(Banking, investment)

“The distinction between a deed poll and an indenture is no longer important since 8 & 9 Vict.c.106 S5. Formerly a deed made by one party had a polled or smooth- cut edge , a deed made between two or more parties was copied for each on the same parchment , and the copies cut apart with indented edges, so as to enable them to identified by fitting the parts together. Such deeds were called indentures. An indented edge is not now necessary to give the effect of an

indenture to a deed purporting to be such. "William R Anson (Principles of the Law of Contract, 84 (Arthur L Corbin ed., 3rd Am. Ed. 1919)".

Indenture here could be, as in this case, the conveyance of properties effected, from one company to another, which is private arrangement. The nature of the transaction cannot be decided merely on the terminology employed and the recitals clearly indicate conveyance of immovable properties and the same is also registered. If there is any defect in the recitals for example by reason of absence of survey numbers or details of prior deeds then it prejudices the transferee who will have to establish title and identity of the properties by adducing evidence whenever a challenge is made by way of appropriate proceedings. But that alone cannot confer title on the State.

The issues regarding violation of FERA Act, KLR Act, Indian Independence Act etc. were rejected by the Hon'ble High Court in the above judgment. The State Government filed appeal as SLP Nos. 24028-24035/2018 before the Hon'ble Supreme Court questioning the above Division Bench judgment and the same was dismissed by the Hon'ble Court on 17.09.2018. As per the above the Hon'ble High Court has directed Government to first file civil suit to prove title claim over the estates of the Companies.

The other discrepancies noted by the Enquiry Officer in the report regarding the Document No. 1600/1923 were happened at the time of registration ie, 1923. It could be clarify only by the then Registrar or other official in the SRO.

In this circumstance, the Kerala Government issued an Order vide G.O (MS) No.1172/2019/Rev/A dated 06/06/2019 that the instructions to the respective District Collectors to file Civil suits before the Civil Court on behalf of the State Government under the jurisdiction of the land where HML has acquired or acquired from them **(Exbit:AM)**.

According to W29. Sri. Jahangeer, Deputy Tahasildar (Audit) Taluk Office Ranni he stated that on verification of the Tandaper Register number 184 and 195 of Perunad Village Office (old Ranni) the survey numbers 887/1-2, 884/1-2, and 886/1 is seen marked. The property is seen in the name of Agent

M/s Harrison Cross Fields Company on behalf of The Malayalam Rubber Company. The description as per the settlement register, survey No. 889/1-2 is a wasteland a total extent of 290 acres, but as per the TPR, it is only 29 acres. He also stated he doesn't know how the rest of the land comes in the name of HML. All these discrepancies were informed to his higher-up for file a civil case against the company by the District Collector. As per Tandaper Register, the extent of 4266 acres of land has in the possession of HML, and the rest of the 2083 acres of land were taken leased from a different person. A civil suit, OS No. 47/2020 was filed before the Sub Court Pathanamthitta by District Collector for getting the rights established in the name of Government over the properties possessed by HML. The name and address against the survey numbers mentioned in the settlement register are different individuals but in the Village and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect. The Puramboke lands and Government lands marked in the settlement register, now if it is in the name of Malayalam Plantation earlier these lands may be granted to somebody by the government thereafter it was handed over to the company, otherwise, it may have encroached.

On 3.11.2020 a copy of OS No. 47/2020 was received by post from Pathanamthitta Collectorate. On perusal of the said OS it is noted that the Plaintiff is State of Kerala represented by District Collector, Pathanamthitta and the Defendants are Managing Director, HML and 6 others. In this OS plaintiff submitted that the indenture of 1923 does not reveal or manifest the nature of the land referred to, as details hereunder extent of land covered by the said 1923 Deed is very large. The stand was taken by the 1st defendant in the aforesaid earlier proceedings is that the said lands included in 1923 Deed combined absolute private properties and leasehold or mortgaged properties upon which the title was subsequently acquired and that it also included properties for which Patta was obtained afterward, though the same had not been specified also identified in those Deeds. The documents under which the title, leasehold rights, etc. were said to be obtained and its derivations were also not stated in those Deeds. Though the 1923 Deed refers to stipulations, agreements, and conditions

in the so-called grants, other documents, writings, etc. they were not delineated in the said deeds. They were purposeful and actuated by fraud and trickery.

According to Rajeev Thomas (W30), he stated that Iythala Muri, Moozhikkal Thamarappallil Kochu Thoma was his father's grandfather. In Perunad Village Tandaper number 302 and extent of 220.36.500 acres of land was in his name. The said land was handed over to one Bender Sayip during 1907 as a lease for 99 years. During 1980 a civil suit was filed before the Court for violating the condition prescribed in the lease agreement. At present, a case is pending before the High Court of Kerala against the Company. As per the Tandaper Register No. 302 of Perunad Village, the survey numbers and extent of land is in the name of Thoma S/o Thamarappallil Kochu Thoman. In addition to this, Tandaper No. 303, Kochu Thoman, Abraham Kathanar, Tandaper No. 304 Kuruvilla Thomas, 318, Scariya Abraham, Scariya Scariya are their family members.

As per the statement of Technical Assistant with a full additional charge of Assistant Director, Central Survey Directorate, Smt. Beena, (W28) stated that the name and address against the survey numbers mentioned in the settlement register are different individuals but in the Village and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect.

PARA- X CONCLUSION & RECOMMENDATION

During the British Regime in India, a Company by the name 'The Malayalam Rubber and Produce Company Limited' was registered in England in the year 1909 as per the British Companies (Consolidation) Act 1908. Another company by name 'Harrisons and Cross Field Limited (UK)' was registered in England as per the above Companies Act during the year 1911. The Malayalam Rubber and Produce Company Limited changed its name, to Malayalam Plantations Ltd. (UK) during the year 1921. Further, the Foreign Exchange Regulation Act, 1973, and the Kerala Land Reforms Act, 1963 came into force

in Kerala. These acts even challenged the holding of properties in the name of the company in India. Accordingly, the company changed its name to Malayalam Plantations (Holdings) Ltd. (UK) on 23.08.1977. After 69 days a company by the name Harrisons and Cross Field (India) Ltd. was registered for the first in India at Ernakulam on 01.11.1977 as per the Indian Companies Act, 1956. The intention behind the registration of new companies in India was to protect the properties of the company in India. Another company name Malayalam Plantations (India) was registered in Kochi on 05.01.1978 after 66 days of the registration of the first company. The two companies by name Harrisons and Cross Field (India) Ltd and Malayalam Plantations (India) amalgamated together with the consent (with 6 conditions) of the Hon'ble High Court of Kerala as per Miscellaneous Company Application (MCA) 35/1983 dated 19.09.1984. After 40 days, the company changed its name to Harrisons Malayalam Limited.

The estates were purchased or leased from different landowners by the Malayalam Rubber Produce Company before 1923. During 1923 Malayalam Rubber Produce Company was liquidated and the entire land was transferred to Malayalam Plantation Ltd. as per document No. 1600/1923 (Malayalam Era 1098) of the Sub Registrar Office (SRO) Kollam. The indenture of 1923 does not reveal or manifest the nature of the land referred to, as detailed hereunder, extent of land covered by the said 1923 Deed is very large. The documents under which the title, leasehold rights, etc. were said to be obtained and its derivations were also not stated in those Deeds. Though the 1923 Deed refers to stipulations, agreements, and conditions in the so-called grants, other documents, writings, etc. were not delineated in the said deeds. In this document, the area of land containing Isfield, Nagamala, Kumbha, Laha, Mundakayam, Kaliyoor, Lockhart, Suriyanelli, Boyce, and Cheruvally, of these, a division of Thenmala, Cheruvalli, Ambandu, and Boyce was sold out.

For the purpose of the registration of Deed 1600/1923, an amount of Rs. 46340/- was required of stamp duty, the stamp paper for that amount had not been available at that time. Therefore, that amount was remitted to the Treasury, and an application along with required papers was present before the Central

Stamp Depot, Thiruvananthapuram. The amount was in the middle on the top on the first page inside a diamond shape seal and another seal at the bottom left side margin 'Depot Trivandrum' was embossed dated 22.07.1098.

Document No. 1600/1923 is not prepared in a printed stamp paper, the required stamp duty was paid and franked on the first page. The document obviously was prepared in a high-quality paper and franking was done after paying the required stamp duty of Rs. 46340/-, as it could be seen on the first page. Any kind of paper can be produced for this purpose.

On perusal of the paper used for preparing the document No. 1600/1923, it can be seen that the watermark of John Dickinson & Company. From this, it can be understood that the Document was prepared in a good quality paper. It could also be seen from the circular dated 25.12.1921 issued under the Income Tax Act that John Dickinson & Co. Ltd. was also a foreign company recognized to carry on its operation in the state of Travancore even as early as 1921. Therefore, it cannot be said that the document is a forged document prepared in England.

Rule 12 of Travancore Regulation 1087 (1911) says that 'if any document duly presented for registration be not in Malayalam or Tamil, the registering officer shall refuse to register the document unless it is accompanied by a true translation into Malayalam or Tamil and also by a copy of the original document'. As per Rule 55(1) when a document is presented for registration U/s 12, the translation shall be transcribed in the register of documents of the nature of the original, and together with the copy referred to in sec 12, shall be filed in the Registration Office. As per sec. 54 (2) the English original document was returned to the Company after registration.

The Malayalam Plantation Ltd. (MPL) produced for registration before the Sub Registrar Office, Kollam a document in English along with a true copy of it and a true translation of the document in Malayalam. The document was executed and registered as Document No. 1600/1923 on 08.03.1923. English original was returned to MPL and the Malayalam translation and the true copy in

English were retained in the Kollam Sub Registrar Office, as provided under the above law.

If the document is prepared in English language the Malayalam translation document should be added in the 'Volume' Book and the English copy of the document should be added in the 'File Volume' Book of the Sub Registrar Office. The document in English copy added in File Volume is known as 'Memo File'. The Malayalam translation Document No. 1600/1923 was filed in the Volume Book No. I, Vol 10 of SRO, Kollam. The English copy of the Document was recorded in the File Volume No. 21/1098 M.E.

One John Mackie signed as seller for this deed in the 3rd volume, page No 94 of Thumb Impression Register, SRO Kollam. Though the signature of the seller is seen in the Register, but his Thumb Impression has not been taken, but it was certificated that 'he is personally known' and signed by the Sub Registrar dated 24.02.98 M.E. When the seller is personally known to the Sub Registrar the Thumb impression is need not taken, but the certificate to that effect is written and the signature of the seller is countersigned by the Sub Registrar.

From the above, it can be presumed that the Document No. 1600/1923 was registered in Sub Registrar Office Kollam on 08.03.1923 i.e., Malayalam Era, Kollavarsham 1098 Kumbham 28 (28.7.1098).

On examination of the Document No. 1600/1923, there are two corrections in page No. 9 and page No.54 which is mentioned in the last page of the Document. But overwriting and corrections are seen in page Nos. 28,33,53,55,60,62 but it was not mentioned anywhere in the Document. In this regard a thorough investigation about the overwriting is required; the original Document was sent to FSL through Hon'ble EC&SJ, Thiruvananthapuram for examination. The FSL examination found that the correction noticed in the Document, the writings made by subsequent addition, insertion and alteration by overwriting using an ink different from that of the neighboring entries and that must have been written not in a continuous process.

For verifying the above facts, the connected records available in the Sub Registrar Office, Kollam ie, Volume Book and File Volume Book (Memo File)

is to be required. The Volume Book No I, Vol 10 of SRO, Kollam, which included in the Document No 1600/1923 was produced by the Sub Registrar Office, Kollam but it was in a dilapidated and grinded pieces of papers cannot be compared with. Hence this document is to be preserved scientifically and copied its contents into a digital drive.

The Archives Director is the authorized person to do the job, but as per the Registration Act, the Inspector General of Registration is the legal custodian of the above said documents. Based on this the record was handed over to the Inspector General, Registration for handing over the old records to the Central Archives, Tvpm for scientific preservation and reconstruction through the Hon'ble court of Enquiry Commissioner & Special Judge, Tvpm. After scientific preservation and reconstruction of the document, it was returned to this Bureau for the purpose of investigation. On verification of the reconstructed document, it is found that it cannot be readable in its original form.

In addition to this, in response to the request, the Sub Registrar, Kollam informed that the File Volume Book (Memo File) No. 21/1098 M.E of 1600/1923 English Document, was not found in the store room of his office. In this connection a search was conducted at the SRO Office by this Bureau with prior sanction from the Hon'ble EC&SJ Court Tvpm., but could not find the said document.

As part of the investigation a notice was issued to Harrisons Malayalam Official to produce the Malayalam and English certified copies of Doc. No.1600/1923. But they produced the notarized copies of the certified copy and stated that the original English document was produced before the Registrar General of High Court as directed by the Hon'ble High Court of Kerala. Now the Company relies only on the certified copies. Therefore, they produced the notarized colour copies of the certified copy of both languages in Malayalam and English. The Malayalam document was issued from SRO Kollam on 18.10.1973 and English copy was issued from SRO Kollam on 29.2.1980.

On compared with the English indenture Document No. 1600/1923 and filing volume (reconstructed) along with Malayalam and English certified copies

the same correction can be seen in both Malayalam and English certified copies. It can be seen in Malayalam certified copy in page Nos. 24, 27, 39, 42 and 43, and in English certified copy it can be seen in page Nos. 27,31,48,51 and 52. What appeared in the English original document as corrections, insertions or alternations was appeared in the certified copies.

During the course of the investigation, it is learned that the certified copies were prepared by copying from concerned File Volumes kept in a Sub Registrar Office. The details of document No 1600/1923 was contained in the Volume Book No I, Vol 10 was in a dilapidated condition cannot be compared with. The File Volume Book (Memo File) No. 21/1098 M.E of 1600/1923 English Document, not available in the office. Therefore, the original Document No. 1600/1923 cannot be compared with these documents.

Based on this, the genuineness of both the certified copies were enquired. On enquiry, it is found that the persons, who prepared, compared and issued the Malayalam certified copy, are not alive now. The persons who had prepared and compared with the English certified copy are questioned and recorded their statements. According to them, the certified copies are prepared by copying from concerned File Volumes.

From the above, it can be presumed that all these corrections, insertions and overwriting were made on or before its registration at SRO, Kollam. So it may not be correct to say that the alleged Document No. 1600/1923 was forged by the Harrison Malayalam Company officials ie, A1 to A4.

The method of preparing Survey Map is described in Chapter VIII and IX, Part II of the Kerala Government Survey Manual. During 1920 the Non Metric system of measurement was adopted in Survey Maps. The Metric system of measurement in this state was adopted in the year 1965. The Metric measurement system was adopted Vide Order No. Sy. B1-192268/65 dated 28.10.1965. In this Order with a provision that the Metric system of measurement convert into Hector system of measurement and marked in red ink of every Map kept in Survey Office. Accordingly, the Hector system of

measurement had been seen in the old map of Harrisons Malayalam properties kept in the Survey Office.

The Document No. 1008/1985 was registered at SRO Punalur through an Attested Power-of-Attorney No. 10/1985 attested at SRO Mattancherry. As per the details contained in Book No. IV maintained in the Sub Registrar Office, Mattancherry page No. 43 of Vol. 87 contains the details of Chitty Bond No. 10/1985 dated 8.1.1985. It creates suspicion during Vigilance Enquiry.

The Book No. IV of a Sub Registrar Office, Mattancherry is a Volume Book maintained for Power of Attorney, Chitty Bonds and Receipts. The Attested Power of Attorney is an authorization agreement, a document after prepared and signed by the signatory and which is authorized to produce before a Registering Authority on behalf of the signatory. The details of Power-of-Attorney are contained in Book No. IV but the details of Attested-Power-of-Attorney are in another register maintained in a Sub Registrar Office.

The Volume No. 1008/1985 is contained in Volume 528 of Book No. 1 of SRO Punalur. In the page No. 219 of this Volume an endorsement was seen written. It says that "Copy of endorsement and certificates:- Presented in the office of the Sub Registrar Punalur at 10.30 AM on the 8th day of March 1985 and paid a fee of Rs. ninety six thousand and one hundred and forty six only paid by T K V Nair sd/ residing at Currier Station Road, 8th March 1985 sd/ T.J.Mariam Sub Registrar Execution admitted by T.K.V.Nair sd/thumb impression son of P V Gopala Pillai, Company executive residing at Currier Station Road, Ernakulam (Power agent for and on behalf of PananghatKochu Krishna Menon for Harrisons Malayalam Ltd. son of M. Krishna Menon residing at Kilkelly by Special Power of dated 23.2.1985 attested by Sub Registrar, Mattancherry as No. 10/1985 dated 23.2.1985)."

During 1985 an estate named Ambanad Estate under the jurisdiction of Punalur SRO was sold by Harrisons Malayalam Company Ltd. For this, the sale deed, which was prepared in the name of the then Chief Executive, Pananghat Kochu Krishna Menon, for the sake of presenting the document before the SRO Kollam for registration, an Attested Power of Attorney No.

10/1985, P K V Nair as a power agent was attested by SRO, Mattancherry on 23.02.1985. TKV Nair was expired on 26.4.1991 while undergoing treatment at Cosmopolitan Hospital, Thiruvananthapuram.

From the above facts, it is not correct that the Document No 1008/1985 of SRO Punalur was registered through a bogus power of attorney and T K V Nair was an imaginary person.

The registering authority is bound to register a document presented for registration on being satisfied of the compliance of the provisions of the Registration Act and with the necessary remittance of fee in this regard. It is not within the purview of a Registrar to verify all the prior deeds and the ownership rights of the seller, when a document is presented for registration. The Kerala High Court (*2002 (1) KLT 330 Eshaque vs Sub Registrar*) to clear this point and quoted a portion of the judgment "*in our view, if a document otherwise complying with the statutory requirements and formalities is presented for registration, the registering authority is bound to register it. It is not for the Registering authority to enquire and ascertain the title to its own satisfaction. Under the provisions of the TP Act 1888, if the transferor does not have any title or has an imperfect title to the property, the transferee on transfer will either get no title or he will get an imperfect title. This will be to the prejudice of the transferee and is not of any concern to the Registering Authority*". It is clear that the Registrar has not an authority to question the ownership right of the vendor to a property during registration of a document. During registration of the sale deeds of HML they have satisfied the requirements of the Registration Act and Rules.

From the above, it is revealed that no specific violation of the Registration Act and Rules had been taken place during the time of registration of lands sold by HML and no specific abuse of their position (A5 to A8) could be pointed out.

The authorities of Harrisons Malayalam Ltd obtained certified copies, both English and Malayalam of Document No 1600/1923, from SRO Kollam. Thereafter the English Indenture Document No 1600/1923 was compared with these certified copies and confirmed that this was the true copy of the original

English Indenture Document No 1600/1923. After that the authorities of HML had sold the properties (Ambanad, Cheruvally, Boyce and Thenmala estates). Of these, Ambanad Estate was sold through an attested Power of Attorney.

The investigation has revealed that 254 survey numbers of the land mentioned in the questioned indenture document 1600/1923 are tallied with the settlement register in comparison with more than 500 survey numbers of land. As per the settlement register, the landed property mentioned among these 254 survey numbers, 11 survey numbers belong to the East India Company, 144 survey numbers denote private property, 28 survey numbers represent Government land and 70 numbers denote the land assigned from the Government property to the private persons. The remaining 246 survey numbers were checked with the TPR (Thanda Per Register) maintained at the concerned Village Offices. Around 40 Village Officers were contacted through online and verified the data. The ownership of the land mentioned in the 246 survey numbers belongs to the Malayalam Plantation which currently possessed by the Harrison Malayalam Company (Pvt.) Limited.

The survey number mentioned in the 1600/1923 indenture with revenue records like TPR from concerned Village Office, Settlement Register from Central Archives, and Central Survey Office Thiruvananthapuram were examined. The name and address against the survey numbers mentioned in the settlement register are different individuals but in the Village and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect. The Puramboke lands and Government lands marked in the settlement register, now if it is in the name of Malayalam Plantations, earlier these lands may be granted to somebody by the government thereafter it was handed over to the company.

The four estate names Cheruvally, Thenmala, Boyce, and Ambanad estate were sold out. The details of the prior document and transaction of the properties are mentioned below:-

1. Cheruvally Estate.

Document number 1675/1910 of SRO Kanjirapally and document No. 3181/1912 of SRO Thiruvananthapuram an extent of 1050 and 1060 respectively was executed by Ramakrishna Panikar and others of Mattakattu family in favour of Josiah Robert Vincent. The properties originally belonged to the Koogoorpally Illom also known as Nandiattu Illom and the members of the Illom transferred the properties to Mattakattu family. Josiah Robert Vincent transferred the above two properties to Henry Mansfield Knight vide doc. No. 3437/1912 of SRO Kanjirapally. The Malayalam Rubber and Produce Company Ltd. transferred the above property to M/s Malayalam Plantations Ltd. by Doc. No. 1600/1923. In the year 1947, by sale deed No. 884/1947 of SRO Kunnathunad and sale deed No. 834/1047 of SRO Alangad the jenmam right of the Illom was purchased by Malayalam Plantations Ltd. In addition to this Patta No. 792/1935 was granted by Travancore Government in favour of Malayalam Plantations Ltd. for an extent of 136.35 acres.

2. Thenmala Estate.

Doc. No. 1343/1909 of SRO Kollam was executed by Isfield Tea Company Ltd. in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 424.88 acres. Prior to this the property was sold by the Travancore Government to Arthur Charles Williams by way of auction sale and Patta No. 433 was granted in the year 1907. Thereafter, the said property was sold by Arthur Charles Williams and others to Isfield Tea Company Ltd. Out of the said 424.88 acres, an extent of 206.51 acres in survey No. 1/1 to 3 and 2/4 to 11 forms part of sale deed No. 2840/2005, an extent of 21.82 acres was acquired by the Government of Kerala for Kallada Irrigation Project.

3. Boyce Estate.

The Doc. No. 4069/1910 of SRO Trivandrum was executed by Horace Drummond Deane in favour of Malayalam Rubber Produce Company Ltd.

assigning an extent of 890.01 acres in the erstwhile Changancherry Taluk. The above properties originally belonged to the Vanchipuzhay Madom and the same was transferred by one Oozhithiraru Oozhithiraru of the said Madom to Horace Drummond Deane. The Doc. No. 1787/1924 of SRO Kollam was executed by Henry Ward, the Administrator General of Madras (being the Administrator to the Estate of late Harry Bertrand Kirk) of Peruvanthanam Syndicate and Malayalam Rubber produce Ltd. in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 762.55 acres in the erstwhile Peerumade and Changnacherry taluks. The above property originally belonged to the Vanchipuzhay Madom and the same was transferred by one Oozhithiraru Oozhithiraru of the said Madom to Harry Bertrand Kirk. The said Henry Ward and Harry Bertrand Kirk had purchased certain shares of Malayalam Rubber and Produce Company Ltd. The Malayalam Rubber and Produce Company Ltd. transferred the above properties to M/s Malayalam Plantations Ltd. by Doc. 1600/1923.

4.Ambanad Estate.

Document No. 2189/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 1310.13 acres (New Arundel Estate). The document No. 969/1916 of SRO Kollam was executed by Norman Smith being the executive and trustees of the Last and testament of Ernest Molyneaux Ewart (deceased) in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 589.15 acres. The property was sold by the Travancore Government to the said Ernest Molyneaux Ewart in confirmation of the auction sale of the property under the Revenue Recovery Regulation. Doc. No. 2196/1916 of SRO Kollam was executed by the Dewan of Travancore Sri. M. Krishnan Nair in favour of the Malayalam Rubber and Produce Company Ltd. assigning an extent of 711.01 acres. Out of the said 711.01 acres, an extent of 469.65 acres in survey No. 387/1,3,4&5, 389/2,3,4,5&6, 406 & 403/1&2 forms part of sale deed No. 1008/1985 sold by HML to Travancore Rubber and Tea Company Ltd. Doc. No. 2228/1916 of SRO Kollam was executed by the

Dewan of Travancore Sri. M Krishnan Nair in favour of Malayalam Rubber and Produce Company Ltd. assigning an extent of 127.80 acres (Ambanad Estate). Balance extent of Ambanad Estate was also sold by Travancore Government to the Predecessors of HML.

An attempt was made to seize the Volume Files of the above mentioned sale deeds from the concerned SRO's but they were in a dilapidated and in a grinded condition and the said effort has become futile. Therefore, the allegation that the officials of Harrisons Malayalam Ltd. (A1 to A4) obtained pecuniary gain of Rs.106.76 crores by selling the land on the strength of the forged Indenture Document could not be proved.

As per the G.O. (Ms) No. 161/2013/RD dated 25.04.2013 Sri. M.G Rajamanikam, IAS was appointed as Special Officer & Collector, Government Land Resumption in exercise of the powers conferred by section 15 of the Kerala Land Conservancy Act 1957 in respect of land held by M/s Harrisons Malayalam Ltd. During the course of the enquiry conducted by the Special Officer some irregularities were noticed and it was shown in his Report. On enquiry by the Special Officer it was revealed that the disputed land got it from Govt. as grant and leased from different land owners. This land was not legally handed over to Company by this Govt. The violations of Land Reforms Act before and after Independence, FERA Act 1947 and 1973, Indian Independence Act 1947, the Companies Act before and after 1956, Right Acquisition Act 1955 and Land Revenue Manual in this land was mentioned in the report. The entire land spread over the districts of Kollam, Pathanamthitta, Idukki and Kottayam was declared as Government land. The Special Officer & Collector issued five separate proceedings, taken over of the Govt. land found illegally possessed by M/s Harrisons Malayalam Ltd. and its assignees.

The Harrisons Malayalam Ltd. and others approached before the Hon'ble High Court of Kerala against the decision of Special Officer & Collector. On 11.4.2018 a final Judgment in WP (c) 33122/2014 was pronounced that the Special Officer has no rights to decide the ownership of a land.

On perusal of the Judgment in WP (C) 33122/2014 (M) dated 11.04.2018 of the Hon'ble High Court of Kerala it is understood that the writ petitions were filed by Harrisons Malayalam Limited (HML) and persons/companies to whom they sold the properties (Ambanad, Cheruvally, Boyce and Thenmala estates) questioning the order passed by the Special Officer appointed by the Government under the Land Conservancy Act to take over the estates.

The case of HML was that the properties with them are not Government land and the Special Officer & Collector has no authority to take over the properties. The other estates which were sold by HML also took same stand. The questions regarding FERA Act violation, Indian Independence Act, Violation of KLR Act, Taluk Land Board Case and also the forgery of the Document No. 1600 of 1923, SRO Quilon (para 56 (h) (i) to (ix) of the judgment) was raised in the Hon'ble High Court.

In paragraph 141 of the judgment the Division Bench stated that "*title cannot be adjudicated under KLC Act, intended only at eviction of unauthorized occupation. Title, to establish it or to controvert it, has to be adjudicated before the Civil Court. Title, we reiterate, in this context, we have not found on the petitioners, which we are incompetent to do in the present proceedings. Title, has to be found after adducing evidence in a properly initiated civil proceedings, if the State ventures so, to institute. There is no cause for the petitioners to approach the Civil Court to establish title under Section 20 of the KLC Act; the proceedings under the Act having been set aside by us*".

The name and address against the survey numbers mentioned in the Settlement Register are different individuals but in the Village and Revenue records name and address is Malayalam Plantations Ltd against the survey numbers. The company had either purchased or leased the lands after the Settlement Register come to effect. The Puramboke lands and Government lands marked in the settlement register, now if it is in the name of Malayalam Plantations earlier these lands may be granted to somebody by the government thereafter it was handed over to the company, otherwise, it may have encroached. A civil suit, OS No. 47/2020 was filed before the Sub Court Pathanamthitta by District Collectorate for getting the rights established in the name of Government over the properties possessed by HML. The District Collectors Kottayam, Kollam and Idukki are preparing to file suits before their respective Courts.

During the Vigilance Enquiry was conducted, dozens of anomalies regarding the genuineness of the English Indenture Document No 1600/1923 of SRO Kollam and Survey Records of the properties of HML were noticed. All these anomalies were pointed out in the Judgment in WP (C) 33122/2014 (M) of the Hon'ble High Court dated 11.4.2018 including suspected forgery. The Hon'ble High Court in CrI MC 6447/2014 had directed continuance of the enquiry and other procedures regarding the forgery. The other discrepancies noted by the Enquiry Officer in the report regarding the Document No. 1600/1923 were happened at the time of registration ie, 1923. It could be clarifying only by the then Registrar or other official in the SRO.

From the above circumstances, come to the conclusion that this case no longer needs to be investigated and it may be treated as 'Further Action Dropped'.

PARA- XI REPUTATION OF ACCUSED OFFICERS

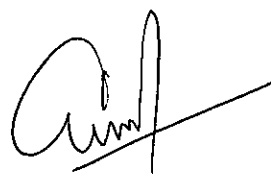
Satisfactory

**PARA- XII AUTHORITY COMPETENT TO REMOVE THE
ACCUSED FROM SERVICE**

- A1- Private person
- A2 - Private Person
- A3 - Private Person
- A4 - Private Person
- A5 - State Government of Kerala
- A6 - State Government of Kerala
- A7 - State Government of Kerala
- A8 - State Government of Kerala

PARA- XIII SIGNATURE WITH NAME & DESIGNATION

OF THE INVESTIGATING OFFICER



K.V. Maheshdas
Deputy Superintendent of Police
Vigilance and Anti-Corruption Bureau,
Special Investigation Unit – II,
Thiruvananthapuram.

PARA- XIV LIST OF ENCLOSURES

1. Statement of Witnesses (W1 to W26)
2. Statement of Accused (A1 to A8)
3. Exhibits (A to AM except I & O)